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*Year Book of College Debating*

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# INTERCOLLEGIATE DEBATES

*edited by*

EGBERT RAY NICHOLS

*Professor of Speech*

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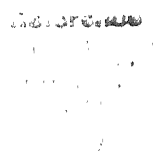


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## EDITOR'S FOREWORD

WHEN a series of books has reached its Seventeenth Volume, there would seem to be little need for another Introduction by the Editor. The length and breadth, alone, of the ground it covers should amply indicate the success of its purpose and plan. Only now and again comes one who does not wholly understand—one who misconceives the scope and mission of the book. To such a one these words are addressed.

This book is an annual record of the current debate season. The list of subjects discussed was not great this year for the reason that most of the colleges, following the national custom, again used the same general topics. Consequently, most of the important subjects of the present year are included here in this one volume. The matter which has been presented is of considerable value to every debater, including as it does the treatment given to both sides of these questions by some of the outstanding teams of the country.

To those who think the debates should be accompanied by briefs, suffice it to say that modern debate speeches are not written from briefs, hence there is little point in trying to discover a brief for them after they are written. Most good speeches in debate are written from outlines or spoken from outlines and written up afterward, if not taken by shorthand or a voice

recording instrument. The reason very few debaters use briefs is that there is much more freedom in the outline process and one can at any moment introduce refutation of opponents' arguments without breaking the psychological continuity of the speech. This is hard to do if one is following a brief.

Again, these debates are not written and published with the idea of supplying another debater with material or with a plan for a speech, and there is no desire or intention of doing his work for him. A printed debate serves its purpose in being read for a quick grasp of a subject, and for the indication it gives of the issues involved. Beyond that a book of printed debates is not a debater's aid. It certainly should not do his thinking for him. No good educator expects that of any kind of debate aid. However, briefs often are used as speech outlines by the very student who should be striking out for himself instead of using a crutch or leaning upon some one else's intelligence. If the educator wishes the debate briefed he should require it of the student, and give him the training involved in it. A quite different speech can, of course, be written up from such a brief, and if the debate coach wishes that, it is a matter of the proper work of a debate class or squad to do the thing required.

The evidence and the citation of facts in a printed debate are not debate source material. They should be traced down to their original sources and verified before being used again. The same general line of thinking can, of course, be used but different evidence and material should be collected and presented. In

other words, the debater should have as nearly an original piece of work to give in a debate as it is possible for him to prepare—the more work he has done on it himself the better, for the more educational advantage is being gained. After all debaters debate to gain educational ends—winning a debate is a secondary and minor matter. The reading of a printed debate does aid a debater in doing a better grade of debating, for the printed debate, when it is a good one, gives him fair warning of the arguments, the issues, and the strategy, and tells him what to use, what to avoid, and what to be prepared to refute. He can gain all these things from a printed debate without a brief.

Finally, so far has the modern practice of debate ignored and left the brief behind, that the most recent book issued on the art of debating leaves the usual chapter on the brief out of the volume altogether, and, in addition, does not hesitate to condemn the brief and throw it out as an unnecessary appendage, fastened upon the theory of argumentation and debate years ago, when it was thought that debate was a legal forensic instead of a deliberative discussion.\* Moreover, a second recent book on debate relegates the brief to the appendix with scant valuation of its efficacy.† Any one caring to pursue this subject further will find additional reasons for the rejection of the brief in the footnote references given below.

Usually in an introductory word the Editor tries to

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\* Nichols and Baccus—*Modern Debating*, W. W. Norton & Co., New York, 1936—pp. 43, 139.

† Hayworth and Capel—*Oral Argument*, Harper & Bros., New York.

present the trends in debate and introduce to those interested in the field any new developments that arise. Practically nothing new has arisen in debate during the past season. One possible new feature, perhaps, is the combination of the correspondence debate with the radio debate. The speeches in such a debate are sent back and forth until the debate is entirely prepared and then it is read into the microphone at each end of the line of correspondence and presented to the public as a debate without the speakers who wrote the debate ever meeting or ever having seen each other. The practice is at least economical and saves traveling expense, and it does serve a very useful educational and speech training purpose for those students engaged in the debate. Another development, not new of course, but new in its application to debate, is the use of recording instruments to take debate speeches when they are completed or in finished condition. The records are then assembled and presented over the radio as a debate without the speakers being required to appear. This process makes possible debates between widely separated colleges without the necessity of traveling and expense. An excellent feature of the recorded debate is that it can be reproduced at any time over a phonograph or is available for print.

The newest forms of debate are continuing to grow in use and importance. Reference is here made to the convention plan of debate and to the tournament scheme of debate. These forms of debate have the attraction and advantage of getting large groups of college students together into a meeting at one place,

and seem to please the participants a great deal more than did the old style of single debates and small leagues where individual debates were held among the members. In fact, the convention or "get-together" idea is fast taking the college debate world. Sometimes the regular type of debating is followed and sometimes the group forms into a legislature and writes bills in committee and debates and passes or rejects or amends them in assembly. In these days of depression the students are trying to get the most for their money and have found that the convention and the tournament accomplish this purpose for them. More debates can be held for the same amount of expenditure in the tournament plan than in any other way.

The following list, hopelessly incomplete and lacking in many details, will serve to give some idea of the status in tournament debating.

### National Tournaments

Pi Kappa Delta Convention, Houston, Texas, March 30-April 4, 1936.

Men's Debate: First—St. Thomas College of St. Paul, Minnesota.

Second—Baylor University, Waco, Texas.

Women's Debate: First—Baylor University, Waco, Texas.

Second—Drake University, Des Moines, Iowa.

Delta Sigma Rho Tournament (percentage basis), University of Wisconsin, Madison, Wisconsin, March 27-28, 1936.

Highest percentage—University of Wisconsin teams.

Phi Rho Pi Tournament, Hutchinson, Kansas, April 6-9, 1936.



Men's Debate: First and second taken by two teams from Muskogee Junior College, Oklahoma.

Women's Debate: First—Altus Junior College, Oklahoma. Second—Moberly Junior College, Missouri.

National Forensic League Tournament, Oklahoma City, Oklahoma, May 4-8, 1936.

Debate: First—Duquoin, Illinois, High School.

Second—Carrollton, Missouri, High School.

Award for Speech Excellence—Topeka, Kansas, High School.

### Regional Tournaments

Southwestern College (Kansas) Interstate Tournaments, Winfield, Kansas, December 6-7, 1935. (The first and original debate tournament, begun in 1926.)

Men's Debate: First—Kearney, Nebraska, State Teachers College.

Second—Texas Technological College, Lubbock, Texas.

Women's Debate: First—Edmond Teachers College, Oklahoma.

Second—Ada Teachers College, Oklahoma.

Junior College Division: First—Seminole, Oklahoma, J. C.

Second—Ada, Oklahoma, Teachers College.

High School Division. Class A. First—Topeka, Kansas, High School.

Second—Wellington, Kansas, High School.

Class B. First and Second won by Mulvane High School.

Savage Forensic Tournament (Seventh meet), Durant, Oklahoma, March 6-7, 1936.

Men's Debate: First—Southeastern State Teachers College, Durant, Oklahoma.

Second—Baylor University, Waco, Texas.

Women's Debate: First—Louisiana State Normal College.

Second—Southern Methodist University, Dallas, Texas.

Junior College Division—Men's Debate: First and Second—Southern Methodist University, lower division.

Women's Debate: First—Oklahoma College for Women, lower division.

Second—Altus Junior College, Oklahoma.

Mid-South Tournament, Arkadelphia, Arkansas, February 14-15, 1936.

Men's Debate: First—Henderson Teachers College, Arkadelphia, Arkansas.

Second—Southeastern Teachers College, Durant, Oklahoma.

Women's Debate: First—Edmond State Teachers College, Oklahoma.

Second—Louisiana State College, Pineville, Louisiana.

Baylor University Invitational Tournament, Waco, Texas, January 31-February 1, 1936.

Men's Debate: First—Baylor University, Waco, Texas.

Second—Sam Houston State Teachers College, Huntsville, Texas.

Women's Debate: First—Baylor University, Waco, Texas.

Second—Mary Hardin-Baylor College for Women, Belton, Texas.

Junior College Division: First—Northeastern State Teachers College, Tahlequah, Oklahoma.

Second—Southeastern State Teachers College, Durant, Oklahoma.

Whitewater Invitational Tournament, Whitewater, Wisconsin.

Men's Debate: First—Wheaton College, Wheaton, Illinois.

Western Conference Tournament (percentage plan), University of Chicago, Chicago, Illinois, April 3-4, 1936.

Ohio State, Illinois and Iowa tied for first, winning five out of six rounds.

Rocky Mountain Speech Conference, Denver University,  
February 13-15, 1936.

Men's Debate: Washburn College, Topeka, Kansas.

Women's Debate: Hastings College, Hastings, Nebraska.

Rocky Mountain Forensic League, Salt Lake City, Utah.

University of Denver and University of Utah tied for first.

Western Association Speech Tournament, San Francisco,  
California, State Teachers College, November 27-29, 1935.

Men's Debate: First—University of Southern California,  
Los Angeles.

Women's Debate: First—Linfield College, McMinnville,  
Oregon.

Second—College of Pacific, Stockton, California.

Junior College Division: First—Bakersfield Junior Col-  
lege.

Second—Glendale Junior College.

Pacific Province Pi Kappa Delta Invitational Tournament,  
Redlands, California, March 19-21, 1936.

Men's Debate: First—University of Southern California.

Second—California Institute of Technology, Pasadena,  
California.

Women's Debate: First—University of Redlands, Red-  
lands, California.

Second—University of Southern California.

Junior College Division—Tie for first between two teams  
from Glendale J. C. and Pasadena J. C. No. 1 team.

Squad championship—University of Southern California,  
Los Angeles.

In addition to the above, interstate tournaments in  
which results are not reported, were held at:

Linfield College, Linfield, Oregon, in February, 1936.

Manchester College, Indiana.

Abilene Christian College, Abilene, Texas.

University of Texas, Austin, Texas.  
State Teachers College, Tahlequah, Oklahoma.  
St. Thomas College, St. Paul, Minnesota.  
Louisiana State Normal College, Natchitoches, Louisiana.  
Rhode Island State College.  
Southern Association Teachers of Speech Tournament—  
University of Florida, Gainesville, Florida.

In addition to the above mentioned interstate meets, the following states held limited tournaments for the colleges of the state:

Arizona.

Arkansas, Harding College, December 13-14, 1935.

Men's Debate: First—Arkansas State Teachers College, Conway.

Second—Harding College, Searcy, Arkansas.

Women's Debate—Tied for first, two teams of Arkansas College, Batesville.

California (Southern).

Men's Debate: Tie for first—University of Redlands and Laverne College.

Women's Debate—University of Southern California.

University of Redlands Invitational, February 10, 1936.

Men's Debate: First—Tie between two teams of University of California at Los Angeles.

Women's Debate—University of Southern California.

Illinois, Normal, Illinois.

Men's Debate—Wheaton College, Wheaton, Illinois.

Women's Debate—DeKalb Teachers College, DeKalb, Illinois.

Indiana.

Iowa.

Kansas—Pittsburg, Kansas.

Michigan.

Minnesota.  
Missouri.  
Nebraska.  
Ohio.  
Oklahoma.  
Oregon.  
South Dakota.  
Utah.

About twenty-two states maintain state high school leagues and tournaments which culminate in a national meet. The junior colleges also hold many sectional and state meets as well as their annual national tournament.

A significant feature of all the tournaments listed here and perhaps of the tournaments omitted from lack of information is that only a limited number of debate questions are used—the National Pi Kappa Delta, the National High School, the Delta Sigma Rho, and the Mid-West Conference questions. Oftentimes some of these organizations choose the same subject or resolution. The prevalence of a few questions over a nationwide territory encourages colleges to send teams to many different tournaments, and it results in very skillful debating in the final tournaments near the end of the season.

In addition to tournament debating the chief activity in debate lies in the radio field, and in extension work before clubs, forums and various organizations. Debate is coming to be recognized as one of the most practical ways in which young speakers can be trained for political and professional speaking in after life.

*Intercollegiate Debates* seeks to include as many

different types and kinds of debate work as is possible from time to time, tries to get the representative subjects of the season and tries to give the best geographical distribution possible. The great handicap lies in the small number of subjects now developed during the annual debate season. Contributions are always welcome, and the Editor is glad to receive letters from those who would like to send in debates. Address communications to

EGBERT RAY NICHOLS,  
University of Redlands,  
Redlands, California.



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GOVERNMENT OWNERSHIP OF  
ELECTRIC UTILITIES

*An Intra-mural Debate*



# GOVERNMENT OWNERSHIP OF ELECTRIC UTILITIES

## UNIVERSITY OF REDLANDS AFFIRMATIVE AND NEGATIVE

At the end of the debate season, those colleges maintaining classes in debate and argumentation usually take a look ahead at possible debate subjects for the coming season. At the University of Redlands, after the conclusion of the season devoted to Judicial Review and Socialized Medicine in the college year of 1935-36, a debate was held by the local squad on the National High School subject for 1936-37. The speeches in this intra-mural contest are given in the succeeding pages.

The question discussed followed the National University Extension Association statement and their suggested definitions of terms. *Resolved: That all electric utilities should be governmentally owned and operated.*

The speeches were written, and contributed to the editor by the individual debaters, all of whom are experienced and well-known debaters on the Pacific Coast and in Pi Kappa Delta circles.

### First Affirmative, Egbert Ray Nichols, Jr. University of Redlands

LADIES AND GENTLEMEN: The question for debate is: *Resolved, That all electric utilities should be governmentally owned and operated.* The terms of this question need little definition. "Electric utilities," we take to mean those agencies engaged in the manufacture and distribution of electric power and light, which excludes transportation agencies or common carriers such as electric railways; "governmentally owned and oper-

ated," means, of course, any governmental agency such as the municipal, state or federal authorities. Obviously two issues are involved: (1) government *versus* private ownership; and (2) government operation *versus* government regulation of private operation, the latter being for the most part (with a considerable sprinkling of governmentally owned electric plants) the system in vogue at the present time.

The question arises at this time because of the Federal Government's attempts to regulate the public utility holding companies; the development of the Muscle Shoals power site into the Tennessee Valley Authority; and because of the Insull affair, the Boulder Dam, Columbia River and St. Lawrence projects. Of the three levels of government ownership—municipal, state and national—the municipal and national authorities are today successfully operating governmentally owned electric utilities under the above definition. The question at issue is: shall the government extend its authority over all the electric utilities, or shall we go on with a system of both government and private ownership and operation, attempting to regulate private ownership in the interests of the public?

My contribution to this debate, then, naturally falls under two headings: the success and desirability of government ownership and operation, and the failure of government regulation of private ownership. First, the desirability of government ownership and operation. To begin with the government possesses superior financial resources and can develop a uniform and nation-wide system. This means that the rural com-

munity, now for the most part under private ownership, denied electric power and light, may be served in the future by the Federal Government just as it has received rural free delivery of mail. Again, the sources of electric power and light lie in natural resources such as water power sites, oil, gas and coal. Many of the water power developments are possible only with government procedure, for instance Boulder Dam, the Columbia River project and the Tennessee Valley Authority, because of the cost of the developments and because the sites are governmentally owned, belong to the people and the public is unwilling to turn them over to private development and manipulation. The success of these federal and interstate projects is unquestioned.

In the state jurisdiction, we are all familiar with the waste of water power, oil, and gas resources. For instance, in the oil fields enough gas is allowed to escape or is burned deliberately at the well to manufacture a tremendous amount of electric power which might be distributed to small municipalities and rural districts were it not for the opposition of private electric utilities. Several of the oil producing states have attempted to reduce and prevent this waste of natural gas, a by-product of the oil business, but so far have been unable to do so. Government ownership of plants to utilize this waste by the several states concerned is the only possible way to prevent this deliberate dissipation of the natural resources.

Next, the municipalities which have government owned plants are pointing the way, and there are

several publicly owned electric utilities which are demonstrating that government ownership can produce and deliver power and light to the consumer cheaper than private companies can. This means lower rates for service or tax reduction, or both, which materially benefits the public. A few examples will effectively demonstrate this contention.

In 1907 the Montreal Light, Heat and Power Company was supplying residential service at a rate of twelve and one-half cents per kilowatt hour. A small publicly owned system was set up in the Westmount District in competition with the private company. It furnished service at ten cents and the private company was obliged to follow. From that time until 1933 this little municipal system forced the reduction of rates until they are now lower than the T.V.A. schedule for Knoxville, Tennessee. The keynote of this development was sounded in a statement recently issued by the Westmount system. "The equity of promotional rates has been definitely established wherever they have been put in practice. . . . They ensure that each customer will bear the cost of his own service only, no matter what his consumption may be, and that he will benefit directly from the lower rates his own increased consumption makes possible."

In Canada there is another system which is producing power at exceptionally reasonable rates for several large cities. This is the Ontario system which is producing power and delivering it to the consumer at about one-third the price that residents of Westchester

and many other localities in the near-by sections of the United States are forced to pay.

It is not in Canada alone, however, that rates have been decreased through public enterprise in the electric industry. In the city of Pasadena, California, power rates have been reduced and it has been possible for the municipal government to reduce its taxes to a minimum because of its power plant. Besides, Pasadena has recently built a magnificent group of municipal buildings. Tacoma is another city that has found it possible to reduce taxes by reason of its municipally owned power. Figures now available showing actual tax rates on property valued at \$5000 point to a significant downward trend. In 1932 the rate was \$179 and in 1933 it had dropped to \$151. In contrast, at Chattanooga, Tennessee, a city with a privately owned power corporation, we find that the tax rates rose from \$145 in 1932 to \$159 for 1933.

In the city of Jamestown, New York, having a population of 45,000, it was possible for the municipally owned plant to contribute \$110,000 to the city treasury, and in Taunton, Massachusetts, a city of 37,000, the municipal plant contributed \$75,000 to its treasury. In Seattle, Washington, it is agreed by the best authorities that municipal ownership saves that city several million a year. The municipal plant in Los Angeles, California, is maintaining the lowest rates for any city of its size in the country and is saving about \$4,000,000 a year. Springfield, Illinois, is another outstanding example of the economy of public ownership. There, the rates have been reduced to about forty per



cent of the rates charged by privately owned companies in surrounding cities. Municipal plants have been continually increasing in the United States until there are now about 2000 plants in operation. Many of these towns are tax free or nearly so or have reduced rates considerably. In addition, such projects of the Federal Government as Boulder Dam and the T.V.A. have proved that rates can be considerably reduced in larger governmentally owned projects.

Let us now consider the question of regulation *versus* government operation. To begin with, the present system of regulation is not successful for several reasons. First, the private companies resent regulation and do all in their power to prevent it, circumvent it and defy it. Second, there is no adequate yardstick for rate fixing, and it is difficult to get at all the facts and properly evaluate them in determining a fair rate adjustment. Third, the cost to the public of regulation under present conditions is exorbitant.

We have all recently been treated to an exhibition of the private company attitude toward regulation on the part of the utility companies in their refusal to register with the Federal Government under the Utility Holding Company act passed by the last Congress. The utilities are fighting this law in the hope that the Supreme Court will send it the way of other New Deal legislation that it has met. The utility companies are circularizing the country now in opposition to the T.V.A. and other government projects, complaining of the unfairness of regulating them by comparison with government-owned projects paid for by the taxpayers'

money. There is nothing new in this attitude. We note it to show the difficulties in the way of adequate regulation—the first of which is the antagonism of the companies to be regulated, which will stop at nothing short of defiance of government to escape.

Second, the matter of fixing fair rates by regulatory methods. The findings of the Federal Power Commission definitely substantiate the fact that private industry maintains not one price yardstick of standard length but hundreds of local yardsticks of varying lengths arbitrarily determined to exact what the local traffic will bear. The preliminary report of the survey shows that in reasonably comparable areas, private companies charge from \$1.50 to \$3.41 for forty kilowatt hours per month, and the spread of these charges widens as the number of hours of service is increased. An example of this is the two neighboring cities of Cambridge and Lowell, Massachusetts. In the former city, the monthly bill for twenty-five kilowatt hours is \$1.25 and for Lowell, the bill is \$2.22 for the same service—almost twice as much. This is typical of the situations that arise under regulation because it has not been possible to establish a standard yardstick.

Third, the present system of regulation is not succeeding because of the cost of maintaining adequate regulation. Every effort by regulatory commissions is reflected in higher taxes to the citizen. And every attempt at regulation is offset by added attempts at evasion on the part of private companies, which is also reflected in higher rates to the consumer. The private

citizen foots the bill for regulation and for the cost of evading regulation.

It was the extremely high cost of regulation in the State of New York which led to an investigation culminating in the New York Edison Electric rate case. This case has dragged on for about eight years of commission proceedings and litigation involving an expenditure of about five million dollars for the Company (taken from the public, of course, in higher rates), and heaven only knows at what cost to the state. This is not an exceptional case—it always occurs to delay the effect of regulation or defeat it entirely. Recently the Long Island Lighting Company has spent about two million in the same manner (and of course charged it to the public in rates). The 1934 report of the Rockland Light and Power Company (a small one) revealed \$116,735 charged to operating expenses in that year as “Regulatory Commission Expense,” a sum amounting to \$4.20 per customer. According to Leland Olds, writing on Public Utility Issues in the *Yale Review* for June, 1935, “There is little doubt but that the total cost of regulation in any state is at least double the appropriation for the regulatory body.”

Contrast to this cost of regulation the reduction in rates and in taxes in the case of municipal and governmentally owned projects and the advantage of government operation becomes quite clear. Keep in mind that private ownership and operation places profit foremost and that government ownership and operation places service first and we have a fairly complete picture.

We can remove the final doubt about the desirability of the government engaging in the light and power industry when we contemplate the fact that it is the proper place of government to render all the services and benefits that it can make possible and accessible to its citizens. The very nature of a public utility invites government ownership and operation as the logical and inevitable thing to prevent the exploitation of the consumer, and to conduct the industry in the most economical and efficient manner. In view of these considerations, we advocate government ownership and operation of electric utilities.

First Negative, Fred Drexler  
University of Redlands

LADIES AND GENTLEMEN: The passing years have taught us that there are two great functions of government. The first of these is the protection of the individual—protection from invasion and exploitation. The second is the maintenance of opportunity for the individual—opportunity for each individual to achieve as much as he can, without undue restraint from any agency, government or otherwise. When a government has begun to compromise either of these functions it has ceased to be a good government, and has become useless on the one hand or tyrannical on the other.

Now, Mr. Nichols has tried to make you believe that government has been impotent to protect its citizenry from exploitation—that is, in the case of a fair regulation of electric utilities it has failed—in fact, has been

useless. Let us be careful, if we follow his counsel, to see that we do not err on the other side—the side of governmental dictation and tyranny. In reply to Mr. Nichols' attack on regulation, Mr. Logan and I will try to show that such abuses as Mr. Nichols has mentioned are not inherent in our present system, and that government has shown itself capable of overcoming abuses without going to the dangerous extremity of the Affirmative proposal.

In the first place, we feel that public ownership of what has heretofore been private enterprise is unwise. We challenge Mr. Nichols' closing statement, that the nature of a public utility invites government ownership and operation and is a logical and inevitable thing. Such a policy is contrary to the American tradition of individual initiative and freedom of opportunity. We must not pursue a theoretical will-o'-the-wisp that will lead us to abandon principles which time and experience have proved to be the natural heritage of America. Why should profit be opposed to service as Mr. Nichols suggests? If there is no adequate or acceptable service, how can there be enduring profit? What is wrong with profit anyway? Is it not the duty of government to insure opportunity to its citizens under reasonable conditions? Why should government take the profit from industry, or pay for its failure to make a profit on expensive service to the citizen in remote and outlying districts out of taxes on the entire public?

Such procedure is a portentous precedent. If we are to remove electric utilities from the realm of private initiative, why not also remove the other utilities? Why

not gas, water, railroads, telegraph, pipelines and radio? And in our modern, highly inter-related industrial life what commodity can we say for sure is not a "public utility"? Where does this process end? Let us hope that it ends short of the socialism of which so many malevolent forces speak. Before accepting the Affirmative proposal, we must be sure that it does not jeopardize all the value of the past in anticipation of a theoretical future.

Such experience as we as a nation have had with government in business has demonstrated that it is a depressing, harmful thing. The first tendency of the citizen is to exploit his government at every turn, to take advantage of every thing to turn government expense to personal advantage. We have enough graft and corruption in government activity now, without extending that activity to all industry. Government ownership of the electric utilities is but the entering wedge for the consummation of such a dire and dangerous scheme.

Moreover, government ownership offers no inducement to progress. On the contrary it would be fatal to improvement and invention. Bruce Barton has said that if we had been operating under government ownership of the automotive industry, the Ford car would still be a Model T and the Chevrolet would still be a four-cylinder car. American progress and inventive genius has been the source of American well being. Government ownership, if we are to believe Mr. Barton and others, would greatly stifle further advancement. Are we willing to pay this price for a trifle saving

in the individual electric rate or for a slight reduction in taxation? Have we reached the place where we can afford to stabilize and say beyond this point there is no further use in private enterprise and invention? The philosophy of the Affirmative plan is a philosophy of destruction—it leads to the destruction of private enterprise and progress, to the denial of individual initiative. And in their place is reared a top-heavy structure of government bureaucracy. We have had a taste of what this sort of thing is like already. The Affirmative has inferred that there has been corruption and social sabotage in the electric utility companies. How much more the opportunity for graft, corruption and politics there will be when government politics and electric monopoly become synonymous! Then all the evils of bureaucracy will arise to proclaim it the most inefficient, the most wasteful and the least satisfactory of all forms of administration.

As Arthur E. Morgan, chairman of the T.V.A., said in an address at Chicago, September 30, 1933, at the Public Ownership Conference: "There is no assurance from on high that public ownership will bring honest and economical administration. . . . The success of public ownership will extend only so far as it can be divorced from political patronage." Ah, there's the word, patronage. It is likely to produce the big obstacle on which the whole scheme of government ownership breaks. Mr. Morgan goes on to say: "The more widely public activities are extended, and the more government has to do with the management of our lives, the more sinister is this evil force."

And it is positively unnecessary to assume the dangers of government ownership. There are at hand now, sufficient techniques to avoid all the evils that Mr. Nichols has attributed to private ownership and operation. His inference that the only escape from present evils lies in the Affirmative plan is fallacious. We admit, as he has urged, that there are some bad difficulties in regulation and some cases where it has proved ineffective. Let us inquire into the matter a little further, however, and see if he has given us the complete picture.

Power Commissions have long been empowered to set electric power rates at a level which will give a fair return on funds invested, and also a fair amount of profit that does not amount to exploitation of the public. No one but a Bolshevik would deny that a fair profit is the investor's right. The difficulty comes, according to Justice Stone, in determining how much has been invested in a given electric company, and whether investment should be computed for rate making purposes on a basis of original expenditure or of present replacement value, and what constitutes a decent allowance for proper maintenance of capital investment.

A second reason why regulation has at times been ineffective is that regulatory boards do not have the opportunity to demonstrate to the utilities that reduced rates will increase total volume to such an extent that the lower rates will bring no decrease of profit on investment. Private enterprise has no taxation to fall back upon if it makes mistakes, and consequently



is cautious and conservative in such matters. Lacking adequate information the regulatory boards must acquiesce to figures which cannot take into consideration decreased costs arising from increased volume.

In the third place regulation has been ineffective in some cases because of politics. As Leland Olds of the Power authority of the State of New York said: "Regulation had broken down because the companies themselves had succeeded in dictating its rules and procedure." We call attention to the fact that politics will not stop when we have government ownership; it will merely manifest itself in a different way.

Now, the means to effective regulation is at hand. The power companies can be adequately controlled in rates and service by the "yardstick method." Mr. Nichols implied in his speech that there was no possible yardstick that could be applied to private companies on account of the difficulties over investment costs, upkeep of capital investment, and local differences in operating expense. Then he went on to outline an excellent example of control by the yardstick method. I refer to his first example of a publicly owned plant in the Westmount district of Montreal, where the private company was forced to adjust to meet the rates and service of the publicly owned plant. The yardstick method implies merely this—that the government own a few plants at strategic places here and there which will in a manner like the Montreal instance force the private companies into line. They can not escape this sort of regulation which government competition forces on them. They must meet it with fair rates and equal

if not superior service. The yardstick plants can be operated with very carefully audited bookkeeping to determine actual costs of producing and distributing of electrical power in strategical situations, and then there is a definite and honest basis for regulatory boards to act upon in building the rate structure and standard of service. No longer does the nebulous phrase "proper return on investment" deter effective control for through yardstick projects actual costs, based on sound methods of production, can be determined. Also there is at hand here a method of demonstrating that lower rates pay in increased volume. A final advantage appears in the fact that government investment is limited. It is not necessary to own and operate all companies at gigantic public investment, or to run the risk of the laxness in efficiency, the dangers of graft and corruption and of patronage inherent in a complete governmentally owned system. In the yardstick system, the private plant remains to encourage invention and improvement for the sake of profit. In the yardstick system the private plant checks the governmentally owned plant and *vice versa*, and we achieve an effective regulation.

We of the Negative are convinced that the yardstick method is a practical technique. For years a sort of unofficial yardstick has been at work on the Pacific Coast. Several cities there have been operating their own electric utilities. These unofficial yardsticks have resulted in cheaper rates on the Pacific Coast than are found elsewhere in the country. Further, the Electric Rate Survey of the Federal Power Commission shows that the lowest rates among cities of 50,000 or more are

enjoyed by those cities served by electric plants lying within the "sphere of influence" of certain publicly owned yardstick companies.

The issue then is this: complete government ownership and operation *versus* social control—regulation by the yardstick plan. This is really a conflict between two political philosophies, between idle hopes involving gigantic expense and demonstrated reality. The Affirmative hopes that government ownership will accomplish needed reforms. On the other hand the Negative has practical certainty. For instance, in the case of the New York Consolidated Gas Company the mere threat of creating a yardstick plant last year brought about reductions totalling \$18,000,000. The question, then, is a choice between regulated capitalism and socialism. Let the Affirmative be ready to make clear its political philosophy and show that their innovations will fit the American scene. We of the Negative feel that private initiative is still the American ideal, and that through a proper exercise of a competent regulation that the ideal can be maintained.

Second Affirmative, Carl Weston McIntosh, Jr.  
University of Redlands

LADIES AND GENTLEMEN: In at least one respect I agree with the last speaker. I agreed when he said at the beginning of his exposition that the first function of government is to protect the individual citizen from exploitation. Mr. Nichols has successfully demonstrated that at the present time the consumer is being

exploited because he is forced to pay far more than it costs to produce and distribute electricity. The only way the Negative has answered this has been to sidestep it with the time-worn defense of "fair profit." "No one but a Bolshevik would deny that a fair profit is the investor's right." All right, then, I am a Bolshevik. I deny that a public utility is the proper sphere for private investment. If electric power and service can be supplied to me cheaper by the government and my taxes can be reduced by that process, then I, being a Scotchman by name and inheritance, become also a Bolshevik.

Let us examine what the Negative terms "fair profit." It means that a sufficiently high rate is charged; first, to pay for expensive litigation in avoidance of regulation; second, to meet a considerable expenditure in securing the election of the "right people" to office in order to insure a minimum of molestation from government; third, to provide the funds for expensive advertising in local and national publications or a subsidy to choke off the possibility of aroused public opinion; fourth, to meet exorbitant salaries to high officials whose chief concern is shooting an 80 on the country club links or attending the Briggs weekend cocktail party; fifth, to provide for mythical services from a holding company whose sole purpose is to conceal what might otherwise appear to be a dividend, and make it always appear that the utility is running at a bare margin of profit.

These proclivities of the electrical utilities can no longer be disguised under the rosy halo of "fair profit"

or protected by the revered memory of statesmen whose concept of Americanism never at any time included practices that can adequately be described by only one word—Exploitation! It would seem that when a \$100,000 service corporation can realize \$7,000,000 in five years for services, chiefly mythical, rendered to utility companies, that we should again remember what both teams this evening assert to be the first function of government—the protection of its citizens from exploitation.

Now let us take up some of the specific arguments advanced by Mr. Drexler. First, he says, if we allow the government to take over the electrical utilities why not the water, telegraph, radio, pipelines, railroads, etc. As a matter of fact the government ownership and operation of water utilities is already so general throughout the United States that we wonder why Mr. Drexler mentioned it. It is an indispensable thing—water—and not many communities allow private profit from its control and distribution. As to the others, no doubt it would be interesting to debate each and all of them, but they are not the subject for this debate. We do say one thing, however; if regulation of private ownership of them is failing so egregiously as in the electrical utilities, we are for having the government take them over also, and will be glad to debate the matter at some other time.

Next, the gentleman of the Negative says that some authority or other—oh, yes, Mr. Bruce Barton, asserts that if Uncle Sam instead of Henry Ford had been manufacturing automobiles, we would still be crank-

ing Model T's. Whether or not we accept this statement makes little difference because the voltage and amperage of an electrical current does not change model yearly to satisfy the whims of a fickle public or the trends of ambitious designers. And in direct contradiction of what he has termed the depressing effect of government upon industry, witness the progress of the airplane and the submarine as a result of the government's efforts to perfect its war machine. Any one who deals with Uncle Sam will find out that he demands the best, and is always looking for something better. But more to the point in this discussion, the field of invention lies mostly in electric appliances and this we leave to private enterprise. We ask only that the utility itself pass under governmental control. It does not seem to the Affirmative that we are committing any great and dreadful sin against private enterprise simply because we wish to provide every one with a source of power cheap enough so that it will be practical for all to use more and more electrical appliances in the home. Cheap power may develop many privately owned industries now impossible and open many avenues for private investment. In fact, the actual stimulation to private industry by the adoption of the Affirmative plan would far offset any mythical trend toward that Negative bugaboo—socialism.

The main Negative argument or counterplan was the combination of a serious admission with a hypothetical adaptation of a new system. The admission made by Mr. Drexler was twofold: that regulation or government control of private operation had been a

failure, and that government ownership was succeeding in municipal plants scattered about the country and was forcing private enterprise into line. Mr. Drexler draws a peculiar conclusion from these facts. He says that because government ownership is succeeding in several instances the thing to do is not to have more government ownership until all is controlled, but that we should stress the salutary effect government owned plants have had in restraining exploitation by private plants. Government ownership has succeeded so well when regulation of other kinds has failed that Mr. Drexler wants to develop a system of yardstick plants for regulatory purposes. According to him this saves a lot of governmental investment or obviates its necessity. I believe "social control" was the term Mr. Drexler attached to his proposal or new method of regulation.

Upon examination we find that Mr. Drexler's stand has forced the Negative into this position. They can not attack government ownership and operation wholeheartedly because they wish to use it in their plan of regulation. They can not defend the present situation or *status quo* because they admit present attempts at regulation are failing. What they ask for is the maintenance of a divided ownership for the electric utilities. Now, the Negative fails to note that the private companies are fighting this kind of a yardstick system more vigorously than they have ever fought regulation. They charge that it is unfair for Uncle Sam to compete and use the taxes placed upon all to benefit a single locality or region and drive them into bankruptcy be-

cause they can not operate on such a close margin. They set up a yell for a "fair profit" which Mr. Drexler seems so concerned about. They point out that the country can not exist "half slave and half free." They urge that the logical end of this sort of thing is their destruction and complete government ownership, and in that they are undoubtedly right. This consideration, however, escapes Mr. Drexler. Private ownership does not share this idealization of a dual system of ownership put forward by Mr. Drexler.

Further, let us face the impracticability of attempting to carry the measure into effect as far as the Negative intimation can be accomplished. In our country there are innumerable different types and combinations of plants for the production of electricity. In order to provide yardsticks that could really adequately measure rates each one of these types of plants would have to be duplicated in various localities of the country, a totally impracticable procedure. Moreover, there would be the difficulty always of determining the exact boundary or sphere of influence in which each of these yardstick plants should determine the rate schedule. Costs of production will vary tremendously even in yardstick plants, so we should still be up against many of the factors which Mr. Drexler, himself, says interfere with just regulation.

Reduced to its true and ultimate meaning we see that Mr. Drexler's plan implies that if the government owned some plants, it could operate with—his actual words were "very carefully audited bookkeeping to determine actual costs of producing and distributing



electrical power" as a basis of rate adjustment. Mr. Drexler seems to believe quite naively that this complicated problem of fair rates and fair profit is merely a matter of bookkeeping! A little government ownership is fine, he urges, as a sort of tonic or rate manipulator, yet he argues that if the government owned and operated all the electric utilities there would be, to quote him, "graft, corruption, and politics." It is strange, indeed, that the same government can be both so beneficent in the one instance and so baneful and incompetent in the other. Moreover, Mr. Drexler tries to frighten us with that potent word—patronage! that Farleyfied political perquisite—patronage! To the victor belong the spoils, eh! Well, what about that other potent and possible thing—Civil Service? We wonder if Mr. Drexler has fully contemplated its possibilities.

Now, in addition to meeting the serious need of reducing rates to the consumer, the Affirmative plan carries with it other benefits. It gives us the possibility of a complete system as Mr. Nichols pointed out. The private companies will not furnish power where there is no immediate return on the investment. The policy of the government is to give service as quickly as possible to all citizens. The private ownership attitude retards development of rural districts and high cost areas. The government encourages the development and expansion of opportunity. Government ownership implies federal, state and municipal spheres. We believe that by correlating these three divisions of government, there can be established an all embracing electrical system in the United States that will furnish

power to every one's house as effectively as mail is delivered today.

The position of the small municipal plant is already so well established and entrenched that it is totally unnecessary to defend it. Even the Negative wants to adopt the plan for yardstick regulation. We interpret this as success for government ownership—not as a stepping off place for a new method of regulation. Here we differ emphatically with the Negative.

State operated plants are certainly not out of the question. Power is not produced alone from hydro-electric plants. Coal, oil and gas, all may be converted into electrical energy—so also the winds and the tides. At the present time much gas in our oil fields goes to waste, is burned idly and without benefit. In California and in Texas little or no use is being made of gas that if converted into electric energy would light the homes of thousands of people. The state might undertake such an enterprise which has not seemed profitable to private industry.

The position of the Federal Government is quite clear. It is the duty of the government to undertake those large projects so familiar to us all, for the purpose of developing enough power to render service not only to populous communities but to the rural dwellers. There are many power sites now owned by the Federal Government which can be developed with this end in view. The Affirmative does not deny that such a plan would cost money; no progress is made without spending money. It is all right to spend money to earn more money. At the present time the Federal Government

is spending enormous amounts for services that are transitory and fleeting, the value of which is at best highly questionable. In the Affirmative plan we have a channel for the diversion of these funds into worthwhile purposes. By furnishing more power to every one at a cheaper rate, we stimulate private industry in many ways and especially in the manufacture of electrical appliances—witness the T.V.A. region and the anticipation of Boulder Dam power.

Ladies and Gentlemen, the strongest argument of any established institution in preventing change is the playing upon certain words that are charged with emotion for the American people. Words such as "Americanism" and "private initiative" are greeted by thunderous applause, while terms such as "communism" and "socialism" are met with ill-concealed antagonism and hatred. Therefore, I charge the Negative to abandon attempts to scare us with epithets and flatter us with vain words, but to appeal to us on an intellectual basis.

The government ownership and operation of all electric utilities is not an idle dream. At least it is no more of a dream than was that of independence for the colonies in 1776, or the dream of rural mail delivery, or of a radio in every home, or an automobile for every family. It would be too much of a parody, perhaps, on the speech of a great statesman to say that "the next gale that sweeps from the north will bring to our ears" the crackle of resounding kilowatts, but certainly all present trends and developments point to the logical conclusion of government ownership and operation.

The advantages are too great and too real to be ignored, the difficulties too insignificant and too negligible to be magnified, even by the skill of the gentlemen of the opposition. Therefore, let us adopt the Affirmative plan of government ownership and operation of all electric utilities.

Second Negative, James Logan  
University of Redlands

LADIES AND GENTLEMEN: Although the Affirmative have agreed that our primary interest is to protect the individual from exploitation and have contended that exploitation is the result of the present utility set-up, they have not shown by their proposal how the situation would be in any way remedied. That is the Affirmative obligation. We of the Negative actually go beyond our obligation in this debate by showing how the *status quo* is improving the system of electric utilities for the benefit of the consumer.

Mr. McIntosh has attempted in one sweep to eliminate the traditional American purpose of business by producing a mythical bugaboo in "fair profit." He has stated that certain companies have been making excessive profits on the one hand, and Mr. Nichols asserts on the other that costs of regulation, hearings, etc., increase the rates for the consumers because of a lack of surplus out of which to pay for these things. Because the business of producing and distributing light and power is a profitable business, Mr. McIntosh wants government ownership, and then tries to justify himself

by ridiculing "fair profit." We should probably expect such tactics from a Scotch Bolshevik, but we do not need to condone them.

The Affirmative have not mentioned the fact that such fair profit has been necessary in order to operate the business of electric utilities, that such profit could not be eliminated from government ownership because it was and is necessary, that every business has to establish a working surplus, and that government is no exception just because it decides to go into business. The Affirmative seems to believe that if government would take over the electric industry the entire principle of our economic system would immediately change. Quite the contrary. The only thing that would change would be the way in which the principles would be used.

Now, of course, it would be useless to contend that utilities have not made a great profit in the past—even beyond their needs, any more than to say the same thing about the automotive industry or any other major business activity. A reasonable profit is necessary, and a reasonable profit is gradually being substituted for excessive profits all over the country due to the yardstick companies being established. Government operation would have to make a profit or there could be no reduction of taxation or promotion of rural extension.

Now the Affirmative did not mention the many companies that failed during the depression, they did not mention how much it would cost the government to subsidize them. They did not estimate the cost of purchasing the present private plants, or the amount

of capital necessary to expand the system up to their forecast and expectations. In fact, they have studiously avoided such practical considerations; they seem to regard Uncle Sam as an illimitable Cræsus, or like Santa Claus permanently possessed of a bounteous Christmas Tree. All of this clearly shows that the complete change in system which they advocate has not been thought through and is not as desirable an adjustment in the present system as they would have us believe.

The Affirmative have attempted to show in numerous instances how rates have been lowered, how taxes have been decreased, how excessive costs to the consumer due to regulation have been or could be eliminated, and in general how socialism would be a boon to America. Without exception, the examples used by the Affirmative have ignored certain very important considerations. To begin with, they ignored the traditional principles of American government and American economic life. They ignored the fact that a replacement of taxes by profits from government owned utilities merely gives the politician a hand to squeeze more money out of the public in a more hidden and devious manner, without the bother of legislative action on taxes which is always the forbidding specter of the politician. They ignored the fact that this great service to be given to the country by increased distribution to the agricultural areas would be a sudden and immediate increase in the cost of operation and of government (even beyond emergency expenditures of which we are at present painfully aware), whereas, there is needed economy

in expenditure and a gradual and progressive extension of such a system by private initiative according to the ability of the areas to support such a system. They ignored the fact that money spent for such expansion, before it was justified by the return in rates charged, would reduce the amount for tax reduction, if it did not actually increase taxes quite noticeably. It would at least defeat lower rates the country over, for you cannot have your cake and eat it, too.

They ignored the fact that all of the examples which they themselves used were of municipal ownership or a very limited inter-municipal development, which is entirely different from a great, extensive, national system that would be needed for the "service" hypothetically created by the Affirmative. Municipal government is operated without the use of party politics; state and national government seemingly cannot operate without the use of political systems. They ignored the fact that all of this government ownership in the past has been more successful for the consumer than private ownership only because effective regulation had not had a chance to be effectively established. We have not had true regulation yet, and we are just now getting it through the yardstick method on a large scale. They have ignored the fact that litigation which has been so expensive in the minds of the Affirmative in a few isolated cases has been due to our lack of a yardstick, and to the fact that regulatory principles had not been firmly and accurately established as yet. We are still pioneering. They have ignored these facts, and have attempted to throw a smoke-screen over our national

scene by the use of "cocktail" condemnations, "golf-course" obsessions and high income inequalities.

It is true that the Affirmative urged that the private owners objected to the yardstick method, but that is merely an indication of the effectiveness of the method. It is always the dog that is hit that yelps. It may be true that private ownership will wage a fight on the yardstick plan but that fight is doomed to failure.

Now, we have shown that government ownership is destructive to private enterprise, that the Affirmative proposal would merely form a wedge for a similar confiscation in all service industries, and go from them to all industry. We have shown that the lowest municipal rates are found in the sphere where yardstick companies operate, that the failure of regulation may be ascribed to the government allowing domination by the companies—an evil which is eliminated by our plan. Furthermore, we have shown that there is absolutely no need for the Affirmative plan because it does not remedy the situation but makes it worse, and because the yardstick plan answers more effectively the objections the Affirmative have to the present system. Instead of lowering rates the Affirmative plan will, in the long run, maintain them at high levels under the disguised intention of lowering taxes. Litigation is replaced by political corruption and bureaucracy. Instead of having highly-paid experts running the utilities and thereby advancing them, we have low-paid government employees engaged in routine work and not interested in the advancement or progress of



the service. Yet the Affirmative say they are protecting the individual from exploitation!

The Affirmative have attempted to dismiss the yardstick method of regulation by asserting that different localities would require yardstick companies all over the United States, that conditions and costs are different in different places, and, therefore, that single yardstick companies would not cover all of these different types and combinations of plants. Where are all these devious varieties of utilities? We should like to have Mr. McIntosh name and classify some of them, showing conclusively that there is such a difference that yardstick plants cannot regulate them. May we point out that the only differences that occur in the production and distribution of electricity occur in either capital investment in the plant due to different conditions in power sites, or else in distribution costs due to geographical conditions or population densities? Capital investment in New York is the same as capital investment in California, regardless of differences in value; distribution costs in Texas are distribution costs in Montana, and both are valued in terms of a common monetary standard. Determining differences or likenesses in capital investment in plant or in distribution costs due to differences in equipment and extension are not the fundamental function of yardstick companies. Their function is to measure the cost of production and distribution per unit of *operation* of plant and distribution equipment, which then must be added to capital. Fair profit to assure payment of investment, interest on investment, and operation of the plant, all of which

underlie the American business system, is the most fundamental axiom we can adopt.

Excessive profit is eliminated by our plan. What more can the Affirmative desire? Can the Affirmative plan do anything like that? Not at all. They substitute political control and bureaucracy, the most expensive system known to man. They substitute another way to eliminate taxes by supplanting those taxes with another form of political exploitation—a most curious way of protecting the citizen. They have a difficult system of disguised socialism to eat gradually into the private initiative of industry. Yes, that is the manner in which they protect the American consumer, not realizing that the best way to protect is to protect and to foster fair and legitimate private enterprise.

Mr. McIntosh intimates that we have been inconsistent in asserting that yardstick companies would be free from political corruption, whereas all government ownership would be polluted with it. I am sure that even Mr. McIntosh can see the difference between a few large yardstick utilities throughout the country, under the control of an impartial regulatory board on the one hand, and a national unified, and centralized system, on the other hand, under the control of government bureaus bent on expressing the taxation, the agricultural, the industrial and the social policies of a particular administration in power. The Affirmative have deliberately aligned electric utility reform with policies in taxation, agriculture, etc., and the result will be bureaucracy that will make the New Deal look like

a two-cylinder automobile and friend Farley resemble a peanut vender.

Service to the public is our goal, but we of the Negative believe that such service will be achieved best by adopting an antithesis of the Affirmative proposal. Instead of service they are introducing a hydra-headed monster with all the evils of centralization, bureaucracy and socialism. The Negative proposal, which has not been effectively answered by the Affirmative, of continuing both private and government ownership side by side in order to regulate the utilities fairly, is of far greater service to the consumer. The Affirmative object because advancement is not sudden, because all agricultural areas are not yet covered with electric wires due to the fact that those areas cannot support such service at this time, not realizing that the evolution of our modern industrialism will take care of such deficiencies. They dreamily envision a new cure-all for the tax problem similar to kilowatt currency and the Townsend Old Age revolving pension plan, and do not see that our tax problem would be greatly multiplied by their bureaucratic policy, as demonstrated for us already in the New Deal. And what do they propose? Immediate revolution and immediate elimination of any advancement in private initiative and public regulation that we have made. This is protection of the individual from exploitation!

Now the Affirmative have had certain obligations in this debate. It is their duty to show that government ownership is necessary and that it will work successfully in a nationwide way, that we cannot go on as we

are, allowing private enterprise a chance under regulation. They have not conclusively or satisfactorily demonstrated these things. They have intimated that their plan will reduce rates and taxes, and then have proposed extensions of service that will more than destroy any such imagined savings. They have decried corruption in regulation and offer us a system with ten times as much opportunity for corruption. They have tried to prove the success of government ownership from a few isolated examples of successful municipal ownership, which we have shown could be much better used for regulatory purposes. They have not shown that the present advancement with yardstick measures is not successful and is not reducing rates to a fair profit basis. They have not given us a practical proposition, with proper estimates of cost and accomplishment. They have left everything hazy, indefinite, dreamy, hypothetical—demonstrating the type of psychology every wide-eyed reformer delights in—revolution and immediate, drastic change. We demand that the gentlemen of the Affirmative face practical, financial facts.

Our country is not built along the lines that they suggest. It is built for slow and gradual progress according to tested values of social, political and economic principles for the protection of the individual against just such legerdemain as the Affirmative proposes. Sudden changes of such terrific scope for the purpose of giving service to the poor down-trodden individual in society usually result in a peculiar kind of service which invariably, in a very puzzling manner, fills the

pockets of those who propose them. Shall we not avoid such mountebank philosophy?

**First Negative Rebuttal, Fred Drexler**  
**University of Redlands**

LADIES AND GENTLEMEN: The last speaker of the opposition, Mr. McIntosh, showed a disposition to argue terms and epithets rather than philosophies of governmental action. He seems to take pride in ascribing to himself Bolshevik as well as Scotch tendencies. He argues about the term "fair profit," and high officials of the utilities attending the Briggs' cocktail party or attempting to shoot 80 on the country club golf links. Now what is he attempting to do?—The same thing that he accused us of doing when we called his plan socialistic, revolutionary and bolshevistic. Now, if we are to get on an intellectual basis as he asks, suppose the gentlemen of the Affirmative lend their aid and figure this government ownership out in terms of practical expense, in terms of the actual extent of service they propose to render the public, in terms of what plane of government is to control this and that. Until we get something practical like this from the Affirmative, we shall of course be obliged to discuss the philosophy of government ownership and operation as opposed to private ownership and public regulation on just a common sense basis—without worrying about intellectuality.

My colleague has pointed out that a fair profit for utility service is right and proper; that, if by regula-

tion, excess profit or exploitation of the public is prevented, that nothing else is required. The American system being one of private ownership or capitalism, it is expected that all avenues of private gain should be kept open. Mr. McIntosh is proud to be a Bolshevik, if government ownership reduces rates and taxation, but he has not gone on into the situation of the individual when avenues of private enterprise are closed, and everybody works for a government which operates all business. It is the difference between paternalism and freedom, between the dole and private means of livelihood. If Americanism means anything, it means that the freedom to work for yourself, for private gain, is the essence of living. The trouble with the Affirmative scheme is that it tends in a direction in which the true American is not willing to go. The citizen should support the government, not the government the citizen. There is a limit to the functions of government, and it is a big question if engaging in business is not outside that limit. The real duty of government is to keep the conditions right for private enterprise—to insure that no business takes advantage of or transgresses on the rights of individual citizens. The Negative cannot accept the philosophy that we must run to the government for everything; the government is not all-sufficient. We must not expect it to do the impossible.

Mr. McIntosh seems to think that the government can maintain invention and progress in business matters, but we'd like to ask him to take a job as foreman of a W.P.A. gang or the supervision of relief work and see what results he can get out of workers who know

that Uncle Sam is Santa Claus. Government ownership is always prone to fail just because no citizen is honest with Uncle Sam, or works for government as he does for himself. It is true that the army has improved the airplane, but who got the profit? The private business man who supplied the means of achieving the army need. That proves nothing for government ownership.

Mr. McIntosh professes to see an inconsistency in our stand for yardstick plants owned by government and in our attack on complete government ownership. He took occasion to sneer at the term "social control." Certainly, because if social control works, there is no need for a system of complete government ownership. Why can't we attack government ownership as an all-embracing principle and still make use of it in a limited way for regulatory purposes? The answer is that we can and we propose to, for yardstick plants do not imply a huge bureaucracy, a nationalized utility system shot full of graft, corruption, patronage, inefficiency and appalling waste. Mr. McIntosh seems to think that the Negative has never heard of Civil Service. We have; and also we are perfectly aware of the government employees added by the New Deal, which are not on Civil Service, nor limited to Civil Service pay. Yes, we have heard of the N.R.A. and several other administrative bureaus which do not seem to be cramped in style because there is such a thing as Civil Service. Let's be practical, Mr. McIntosh, politicians can always find a way around, and your plan opens up the utilities to operation by politics. It behooves us to be careful

or your plan will get us out of the frying-pan into the fire. Shall we not endure the evils that we have and try to remedy them, rather than fly to others that we know not of?

We cannot subscribe to the theory that government ownership is inevitable, for the reason that we cannot see that the faults in our present system are inherent and not eradicable. We'd rather have an ounce of prevention than a pound of cure. The yardstick plan is a plan to prevent exploitation and to gain fair profits through efficient regulation. The Affirmative plan is a pound of cure. It proceeds upon the theory that it is too late or impossible to prevent, and that there is nothing to do but kill or cure. We think their plan will kill not cure, because it has so many obvious dangers and weaknesses. Moreover, the Affirmative has not shown either its plan to be practical or our plan to be impracticable.

**First Affirmative Rebuttal, Egbert Ray Nichols, Jr.**  
**University of Redlands**

**LADIES AND GENTLEMEN:** Mr. Drexler seems called upon to insist upon Americanism and other Fourth of July formulas, but we are living in a practical world, a world which has found out that all is not well with capitalism. We have discovered that private enterprise and private initiative, instead of being terms to conjure with, are just euphemisms for greed, avarice and exploitation. We have discovered that the necessities of life, if left in the hands of private business, are



likely to become impossibilities of life and out of reach of the ordinary man. The average man's income is not big enough to provide for the things he would like to have, hence the universal objection to having that small income depleted by high taxes and high rates for utility services. If government ownership can render service cheaper or turn the profit into the public coffer, and the Negative admits that it can—hence its seizure upon the government-owned plant for a rate yardstick—then, the time has come to abandon the fetish of private enterprise, freedom to exploit, franchise to grow rich at the expense of the average citizen. Let's be sensible—a penny saved to the common man is a penny available for some other desired commodity, and that is a lot more important than the sanctity of a system under which the rich grow richer and the poor poorer. Of course, we do not think complete socialization is necessary and we are not arguing for it, nor that ownership of the utilities is an entering wedge for communism. No, Mr. Drexler and Mr. Logan, it is merely applying the utility yardstick to all business, a gentle warning from Uncle Sam that capitalism must clean up. And, believe us, ownership of the utilities will be a potent yardstick to apply to business. Forgive us, gentlemen, for adapting your pet idea to capitalism, but you asked for it.

Now the gentlemen of the Negative ask us to be practical and to present estimates and figures for government ownership, they ask us to outline a complete system—in fact, they ask us to do the impossible—the thing that they know cannot be done in short speeches

in a brief debate. Why do they ask this?—Just to prejudice your judgment against us, and imply that we are not meeting our just burden in this debate. They are merely injecting a strategy into the debate which they hope will mislead you and embarrass us. They want to get you off the real issue.

Now what is the issue? Is it not merely this—the practicability of the yardstick plan set over against complete government ownership. Really now, gentlemen, in saying that we have not attacked your yardstick plan and have not discredited it, are you not whistling to keep up your courage? Have we not pointed out that you are depending upon limited government ownership to defeat complete government ownership? Are you not trying to say that five dollars is all right but a thousand dollars is too much? Aren't you trying to have the fountain run both sweet water and bitter? Aren't you blowing both hot and cold with the same breath?

You are merely denying that we are to interpret the success of municipal ownership projects, the T.V.A. and Boulder Dam, as evidences of the success and practicability of government ownership, and are merely insisting that because they are successful you have a new use for them as yardsticks. Now really, gentlemen, you who have admitted the failure of past attempts at regulation, how do you hope to succeed with the yardstick? If the private interests got control of regulatory bodies or defeated them with handicapping legislation, bribe funds, and newspaper hush money in the form of advertising in the past, what is to prevent

the private interests from gaining control of the yardstick? How have you eliminated the danger of private interests corrupting your new form of measurement? You haven't, you merely remarked that you had—but where is the proof? If any proof exists is it not in the virtue of government ownership of the yardstick plant, and the hope that this very fact puts it out of reach of the designing utility manager and his political henchmen? Gentlemen, you stand convicted of trying to defeat us in terms of our own proposition. But remember this—as long as the privately-owned utility exists beside the yardstick, there will be corruption. There is but one thing to do and that is to eliminate the private profit motive altogether from the utility business. Our plan does this, gainsay it if you can.

Mr. Drexler was very anxious to create the impression that my colleague was toying with terms and epithets and was not grappling with issues and philosophies. He wants you to lose sight of the fact that the big philosophy of all this discussion is this: private ownership has its eyes on gain; government ownership has its eyes on service and the public welfare. I might illustrate this by a story I have heard my father tell. When he moved to the university tract there were very few residences built there. The city had installed the water and required the realty men to put in the curbs and sidewalks. There were however, no gas mains, no electric lights, and no telephone connections. These were all in the hands of private enterprise, and of course the district did not have the population to make these services profitable. When my father asked for a

telephone, the company said it would cost twenty dollars a pole and they could not afford the expense for one customer—it would take years before a profit appeared. So the private companies did their best to discourage and the public its best to encourage the building up of that part of the city. The private companies could not see that the extension of a utility would bring rapid building up and cause new business to arise where none existed before. This is the difference between profit motive and service motive, between private ownership and operation and public ownership and operation. Which do you choose?

**Second Negative Rebuttal, James Logan**  
**University of Redlands**

LADIES AND GENTLEMEN: In closing the case for the Negative, a point-by-point refutation will serve to show the inherent fallacies of the Affirmative case.

It is a primary contention with the opposition that government ownership is pertinent and inevitable merely because it will make for cheaper rates and taxes. On the contrary we have shown that the yardstick method will obtain these things without the stupendous investment of public capital. The Affirmative have contended that government ownership is logical and necessary because regulation has failed. We have shown you a way in which regulation can be made successful. Because we have done this they have tried to prejudice the case by saying that we are trying to defeat government ownership with government

ownership. Such is not the fact, I assure you. If a small amount of government ownership will serve to regulate rates and profit, why should we invest all the capital required and take all the risks of bureaucracy and political control? We can't see that the motivating force is sufficient to justify such a revolutionary and far reaching step. We are unwilling to admit that capitalism and the system of individual enterprise have failed to the extent that makes such drastic change necessary.

We call attention to the fact that the Affirmative attack upon regulation has failed to destroy the yardstick method. We are willing to admit that private industry will oppose it, but we are unwilling to admit that private ownership can defeat the yardstick. Private ownership must compete for business, must have it or die, and it certainly isn't going to die merely because it is forced by regulation to run on a fair profit and without exploitation.

Now as to this matter of service on the part of government which Mr. Nichols stresses so much, giving the instance of his father's experience—or was it his grandfather's?—with utility companies. That merely proves that unprofitable service cannot be rendered—that density of population and cost of distribution must be considered by sensible and cautious business men. And that very fact invalidates one of the Affirmative's chief contentions—that the Federal Government can furnish electric current to every farmer and isolated hamlet just as mail is delivered. That would be fine, of course, but it isn't good business, it isn't economic, and

if it occurs it means heavier taxation, it means that the public elsewhere must pay for the service that is not sufficiently remunerative to bear its own expense. Uncle Sam may be long-whiskered but he is not Santa Claus, and his reindeer are not shod with dynamos or harnessed with electric watts. If the Federal Government is to do these mighty things, how are they to be financed? Come down to earth, gentlemen, and talk in terms of filthy lucre.

The Affirmative very cleverly side-steps this issue and tries to make you believe that we are unfair in urging it—that we are crafty Hindoos with knives hidden in our voluminous sleeves. We are trying to get you off the subject are we? Well, who started in about cocktail parties and 80-stroke golf, anyway?

The Affirmative also tries to make you believe that the success of small municipal plants justifies a complete system of government owned and operated electric utilities. They utterly refuse to see that magnitude, bureaucracy and political patronage make any difference in operation. Because we have some trouble with the private companies and with regulation, they propose to substitute for this litigation a burden greater than government should bear. They erect a smoke-screen of reduced taxation and rates, run the risk of excessive and unnecessary extension of electric service for agricultural development, condone the buying of new sites in order to establish effective government monopoly, underwrite the purchase of all private utilities now existent (twenty-five billion dollars for this purpose is modest), finance the building of new plants

in order to have a completely co-ordinated industry, tolerate numerous boards and commissions that would have to control the industry for different conditions in each state—all to escape a problem in regulation, which can and will be solved. And to heap ridicule upon our plan because they can not refute it, say facetiously, Gentlemen, we will use government ownership of electric utilities as a yardstick to bring all business into control and tune up the capitalistic system! Absurd! The cases are not at all parallel. The gentlemen are merely using smoke-screen methods, begging the question and evading the issue!

We are concerned in this discussion with several major principles of government and economics as allied to our American tradition and system. Shall we disregard the wisdom of the past and of experience and introduce a system of government ownership and control as an entering wedge for socialism to spread to other industries, or shall we keep the private enterprise that has been responsible for the progress which has made our country what it is today? Shall we introduce an expensive, dangerous, and entirely unnecessary scheme of political manipulation, or shall we improve private initiative by careful, cautious and fair regulation, based upon tested values such as the yardstick plant provides? Shall we stay by the system of private enterprise and profit, or turn to paternalism and the dole? The Negative maintains that there is still progress to be attained. Shall we have government domination and party control of utilities, or social control based upon a merit system, backed by legal concept

and built up from experience and progressive management?

The burden of proof in this debate rests upon the Affirmative. They must show sufficient cause and sufficient probability of success. They have failed to do either. They have not shown regulation to be impossible and have not justified bureaucracy and political control inherent in their plan. They have put up a weak suggestion of Civil Service, but you all know what that means among political friends. The only obligation of the Negative was to attack the Affirmative. We have done this and have shown you what the danger and the risk is in government ownership, and that it is entirely unnecessary. To prove this we have shown you how regulation can be made effective. Until the Affirmative can get out from under this burden their case cannot stand.

High grade service to the greatest number of people, and a system whereby the greatest degree of social justice can be obtained is the plan we naturally wish to adopt. We believe that we have shown our proposal to provide the principles conducive to such an adoption. It is true that government ownership of the utilities has its merits, or we would not hold this debate, but it is our contention that such merit is best grafted onto the American system of private enterprise by regulation and yardstick measures than by going to the extremes of the Affirmative proposal.



Second Affirmative Rebuttal  
Carl Weston McIntosh, Jr.  
University of Redlands

LADIES AND GENTLEMEN: I wish to assure Mr. Logan in all humility that I will try to free myself from "cocktail" and "golf course" obsessions; but that with considerably less humility I will also drag the Negative case out from under the sheltering, but mouldy wing, of a model 1870 American Eagle. Our conception of governmental duty and obligation has also made progress, and we are no longer scared as a people by the word "socialism."

Now this matter of "fair profit"—the gentlemen of the opposition stated that regardless of all the slush money we referred to in our indictments of the term "fair profit," that after all *profit was necessary*, and if the government owned and operated the plants, the government, too, would have to make a profit. Ladies and Gentlemen, would government spend millions to regulate itself and more millions to fight regulation of itself? Would the consumer find these items charged on his rates? Would advertising be necessary? Would exorbitant salaries be continued? No, Mr. Logan, the indictment falls.

Next, we were charged with "ignoring" several important factors. The first of these Mr. Logan asserted was that when taxes are reduced by government ownership and operation, the politician is provided with a method by which he can squeeze out money in a "hidden and devious manner." We first deny that the

monthly light bill is any more hidden and devious than the yearly income tax. Moreover, nobody can get away with Uncle Sam's money without accounting for every penny. If you don't believe this ask your postmaster. And, also, we accept gladly the damaging admission that government ownership would reduce taxes. Thank you, Mr. Logan.

The second thing he asserted we ignored, was that our plan would constitute a sudden and immediate increase in the cost of government. The Negative charge that we "need a progressive extension" of our electric system. The government is quite capable of assuming ownership and control under what the Negative calls a plan of "progressive extension." It does not require private ownership. On this point of expense in extending the system, cannot government get the capital for expansion in a progressive way as well as private owners? Later it was urged on this point that the government would have to buy up power sites, etc. We find that the government already owns many of them which private industry will have to buy if we continue under their system. We also believe that government could buy the private concerns at rock bottom figures, with the watered stock squeezed out, for against government competition of a nationwide extent the private companies would fail, and would lose everything—consequently they might sell for a reasonable figure. Nor is there anything wrong in government doing this to them since they regularly do it to one another in the course of business.

We did ignore the idea that expensive litigation was

due to lack of yardsticks, but we do not ignore the statement. On the contrary, Gentlemen, the expense of litigation has been greatly increased as a result of your so-called yardsticks, and is steadily increasing. Millions of dollars of expense cannot be explained away by claiming an overwhelming desire to figure out whether original investment or replacement value should be the basis of rates and taxation. The utilities are determined to win the fight against yardsticks, and if they do the public will pay. The utilities must win the fight against the yardsticks or submit to drastic regulation and ultimately to the victory of the principle of government ownership. As they say themselves, the system must be private or it must be government—the two kinds of ownership cannot exist side by side—the profit motive must conquer or die. And by the way, the Negative has completely ignored this argument, assuming that we can go on with a dual system of ownership. If we do, it is safe to say that regulation has failed and the yardstick is under the control of the private utilities.

Another thing we supposedly ignored was, as Mr. Logan put it: "From the consumers' viewpoint, municipal plants have been successful in the past only because of a lack of proper regulation of private enterprise." To begin with, the statement is totally fallacious. The real fact is that from the consumers' viewpoint: first, municipally owned plants have been successful because they reduced rates and kept on operating; second, private enterprise has failed because of lack of proper regulation; because it collects excess

profits. There is an admission here by Mr. Logan that municipal plants have been successful, so much so that he wants to use them as yardsticks to get the regulation, the lack of which he says has caused the success of municipal plants to appear so distinctly. Heavens, we are traveling in a circle! Thanks for getting all wound up, Mr. Logan.

I wish now to call your attention to the exact words of Mr. Logan, and the most significant thing he said during his impressionistic attack on the Affirmative case and his occasional flights of oratory—He said: "The failure of regulation may be ascribed to the government allowing domination by the companies." In other words the electric utilities have shown themselves unwilling to be regulated and to prevent it have gained control of the regulatory boards, or have put up a successful defiance and gotten away with it because of their dominant position. This is exactly why we, the Affirmative, indict the regulatory method. As long as a motive inheres to corrupt regulatory devices, they will be set aside or will become of no avail.

Ladies and Gentlemen; when any utility considers itself so powerful that it will evade and oppose the Federal Government, refuse to register under the law in the hope that the Supreme Court will countenance its insubordination by invalidating the law, when it becomes so powerful that it will dictate its own terms and reap its own profits—so confident because of the very dependence of American life upon that service that it does not hesitate to exploit the people at will, then it is high time for government to protect its citizens by

ownership and operation of that utility. It is just such a situation as this that we are facing today.

I might be condemned for not giving Mr. Logan's entire quotation—for he added: "an evil which is eliminated by our plan." How? Mr. Logan merely makes the statement; he does not show how his plan does this. The *crux* of the debate lies here. If regulation fails, Mr. Drexler and Mr. Logan's case fails. For, they have staked the debate on the possibility of successful regulation. May I point out here that as long as private ownership is following the profit motive, it will keep on controlling regulatory boards and defying government? It will control the yardstick company or know the reason why; and how does Mr. Logan's plan prevent it from doing so? Deponent saith not. Q.E.D., the case falls.

We are accused of ignoring the importance of the yardstick method. Not so, Ladies and Gentlemen; it is the issue, and we face it. We want to know why, since we have had municipally owned plants in successful operation ever since 1881—we want to know why they were not used as yardsticks? If Mr. Logan's dissertation about the cost per unit of operation holds true, we've had yardstick companies for over fifty years upon which regulatory boards could have based figures, but did they? They did not! Did the competition of these yardstick companies force a proper re-adjustment of rates generally? Not noticeably. What hope is there, then, for the future? Evidently the Affirmative indictment of the yardstick method, that it would require innumerable types and kinds of plants still stands

or we would have adequate regulation on yardsticks now? Evidently the Negative is on the horns of a dilemma. Without the success of the yardstick idea, where is the Negative case?

The last indictment the Negative made was to accuse our plan of bureaucracy and political manipulation. Bureaucracies are in disrepute now, so, of course, by linking that term up to the Affirmative plan the stigma carries over. As a matter of opinion, for that is what it is, there is no reason for supposing it would be any more of a bureaucracy than our present Post Office Department.

Mr. Logan's last admission was that there is good in government ownership—and that it was best conserved by grafting it on the American system of private enterprise by yardstick regulation. All I have to say to this is that we've seen too much grafting already and the time is here to get rid of the profit motive behind it in the utilities, and adopt a system of government ownership and operation of all electric utilities.

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GOVERNMENT SPENDING TO  
COMBAT DEPRESSION

*A Manuscript-Radio Debate*



## GOVERNMENT SPENDING TO COMBAT DEPRESSION

### *UNIVERSITY OF ARIZONA AFFIRMATIVE VS. KANSAS STATE COLLEGE OF AGRICULTURE AND APPLIED SCIENCE NEGATIVE*

The following is a manuscript-radio debate, a new type of public presentation of a discussion, when it is not possible for the two teams debating the issues to meet upon the same platform or before the same microphone. The manuscripts are written out and exchanged until the debate is complete and it is then read over the radio at each college thus reaching a wide audience.

In the case of this debate, the manuscript development or writing phase took place between November, 1935, and January 11, 1936. The speeches were broadcast over stations KSAC, Manhattan, Kansas, and KGAR, Tucson, Arizona, January 30, 1936, arousing considerable interest in each area covered by the broadcast.

The subject discussed, so intimately connected with the issues of the coming Presidential campaign, is one of unusual interest. The proposition as phrased for debate was: "*Should public opinion condemn the policy of national government spending as a means of combatting depressions.*"

The speeches were collected and submitted to *Intercollegiate Debates* by Professor W. Arthur Cable of the University of Arizona with the co-operation of Professor Harrison B. Summers of the Kansas State College of Agriculture and Applied Science.

First Affirmative, Richard Hale  
University of Arizona

FRIENDS: We are to discuss at this time with students of the Kansas State College of Agriculture a question important to our national and social welfare:

*Should public opinion condemn the policy of national government spending as a means of combatting depressions?*

The timeliness of the question is instanced by the recent acts of the government in appropriating gigantic sums for expenditures in public works, reconstruction finance, federal housing, civilian conservation, federal emergency, national youth relief, colony re-settlement, limitation of agricultural production, crop subsidy and in other ways, presumably directed toward allaying the evils of the economic depression.

Many signs indicate how large the question looms in the public eye. First, a distinct antagonism has been evidenced by certain groups of business interests against the government spending policy. Secondly, anxiety is felt by the general public over the question of who will pay the increased taxes and meet the deficits looming ahead. Thirdly, private industry is apprehensive as to how far the government will go toward establishing its own industries in business.

By the phrase "policy of national government spending" we mean the extraordinary disbursements initiated by the present Administration as emergency measures.

Our conclusion on this question of government spending as a means of combatting depressions must be based largely on the results of the New Deal spending program. The issues involved, as we see them, are three in number: First, that the New Deal undermines the natural industrial order; second, that huge relief expenditures place an unwarranted tax burden on the

present and future generations; and third, that the New Deal has failed as a means of combatting the depression. I shall limit what I have to say to the first issue and my colleague will take up the other two in his discussion of the question.

Industry is definitely opposed to the New Deal practices and as proof of this fact we wish to call your attention to four definite and representative fields of business.

First, the banking and financial world is opposed to the New Deal. We quote as testimony the following paragraph from the *New Republic* for September 20, 1933, page 153: "Last week in Chicago, at the convention of the American Bankers' Association, spokesman after spokesman announced the undying opposition of the banking guild to Mr. Roosevelt, General Johnson and all their works."

This is a vigorous arraignment and indictment of governmental interference in banking. Furthermore, the Reconstruction Finance Corporation has encouraged character credit without sufficient security. We are indebted to a scrutinizing summary of this condition in the issue of the *New Republic* for September 27, 1933, page 173: "So far, the requirements of the R.F.C. have limited its usefulness in this direction. The formula demands that the bank write off all losses and virtually all depreciation on investments. The formula then allows the bank to issue as much preferred stock as there are remaining free capital funds. But any bank needing real assistance is caught here between the upper and nether millstones."



In the second place, John Spargo in the issue of the *Annals of the American Academy of Political and Social Science* for March, 1935, Volume 178, page 19, gives voice to the deplorable conditions in the light and power industry. He says: "The declaration of the fixed purpose of the Administration to extend the unfair competition of subsidized government enterprise against private enterprise all over the United States in the third largest industry we have, was a blow directed against the one thing that can be relied upon to conquer this depression and restore economic health and well-being."

The deplorable conditions attendant upon the Tennessee Valley project, howsoever nobly conceived and originated, are ably brought to our attention by no less an authority than John Spargo in the afore-mentioned article, on page 19, in which he says: "The Tennessee Valley Authority Act clearly was intended to eliminate private enterprise in the electric light and power industry from the vast area of the Tennessee Valley, and likewise to take the government into practically every other industry, potentially at least, as a competitor which no private enterprise conducted for profit could possibly meet."

He accounts for the unemployment in certain large public utility corporations by telling us of the abandoned plans for modernization and expansion which they had decided to carry out, but had reconsidered because of their fear of what the Administration would or might do.

Thirdly, Eugene G. Grace, President of the Ameri-

can Iron and Steel Institute, writing in the *Iron Age*, May 30, 1935, under the significant heading, "Political Experimentation Retards Recovery," expresses the sentiments of the steel industry thus: "I believe the chief barrier to recovery is political—the economic uncertainties underlying too many experiments and the proposals to regiment American business and labor."

He says further, "The Wagner Bill, the Thirty-hour Bill, the Social Security Bill are only three of the pending measures but they are typical of the tendency of many—more government in business, more governmental interference, more bureaucracy."

Let us take as our fourth example the condition in the finance companies. We are indebted to a penetrative study in the *Business Week* for August 31, 1935, page 14, in which it is asserted, "The Federal Housing Act threatens to undo all the work of the finance companies." Again, "But when the Federal Housing Act comes into the mechanical refrigerator, electric range, washing machine and household equipment field with the nothing-down-five-years-to-pay—don't-bother-about-the-credit-risk policy, the finance companies are mad."

Now the participation of the government in business and industry is not only opposed by these leading branches of private business, but is also decidedly injurious to American industry generally. Mr. George Terborgh, of the Brookings Institution, is quoted in the *Literary Digest* for January 12, 1935, page 17, as remarking: "The boosting of costs and prices that went on under the N.R.A. was premature, ill-advised and

inimical to the expansion of productive activity." In the same article, Dr. Lewis Lorwin maintains that the N.R.A. represented a bundle of missed opportunities, half-way compromises, and unpremeditated achievements. The *Atlanta Constitution*, a Democratic paper (*Literary Digest*, June 15, 1935, page 12) urges: "The best thing that Congress can do is to adjourn, go home and give the country a rest, without further tinkering with the N.R.A. or any other agencies that are retarding business recovery. The business of the country is ready to move forward if unhampered by further Congressional tinkering."

These instances are only a few of the many critical utterances made against the government's entrance into competition with private industry.

May I now briefly review our position on this question? We hold that public opinion should condemn the policy of government spending as a means of combatting depressions.

The question embraces three issues, and only three. The first is that the New Deal undermines the natural industrial order. The second is that a program of huge expenditures such as we are experiencing at present, places an unwarranted tax burden on the present and future generations. And the third is that the New Deal has failed as a means of combatting the depression.

I have limited myself to a discussion of the first issue—that the New Deal undermines industry—and have submitted as evidence the authoritative statements of experts in four representative fields of business: bank-

ing, light and power, iron and steel, and household construction and equipment.

The experts and representatives in these four fields of industry clearly, definitely and vigorously maintain that the government interposition in business has caused and continues to cause incalculable harm.

So preponderating is the evidence of these leaders in our nation's business to the effect that the present government interposition in industry is undeniably detrimental that we cannot fail to realize that the New Deal has undermined and continues to undermine the natural industrial order all over our nation, and to this extent, we believe you will agree with us that public opinion should condemn the policy of national government spending as a means of combatting depressions.

First Negative, Edward DeClerck  
Kansas State College of Agriculture and  
Applied Science

FRIENDS: I'm very much surprised at Mr. Hale's argument. I know that many people in the United States are opposed to the New Deal. And I know that many object to the spending of government money. But I did not realize that the two were one and the same thing. Mr. Hale expressed the opposition of bankers to the Federal Banking Act; he condemned the Tennessee Valley Authority and the idea of government competition with private business; he attacked the Federal Housing Administration. Now, these things are all phases of what we call the New Deal—but I

very humbly suggest to Mr. Hale that they have nothing whatever to do with the subject we are discussing—whether or not we should favor the idea of spending public money as a means of combatting depressions.

Perhaps Mr. Hale is attempting to inject a note of partisan politics into the discussion. Perhaps he is seeking to identify the policy of spending for public works in depression, with the New Deal or the Democratic party or with President Roosevelt. I must insist, however, that these things have nothing to do with our discussion. The policy of government spending is not a partisan idea; it is a principle which has been backed by both political parties—and by most economists—as a method of combatting depression.

During the depression of 1921, President Warren G. Harding called a Conference on Unemployment, to consider the depression evil and methods of prevention and cure. Heading the President's Conference was Herbert Clark Hoover, then Secretary of Commerce. Included on the Committee which carried on the study were Owen D. Young, of the General Electric Company, Matthew Woll, Vice President of the American Federation of Labor, and Wesley A. Mitchell of the Federal Bureau of Labor Statistics.

After months of study the Committee made its report. To prevent the evil of depressions, or to halt depressions once they were begun, it recommended control of credit, control of business expansion by business interests, adjustment of building programs of private business to the business cycle, and the establishment of state and federal employment bureaus. But most im-

portant, the Conference recommended, by unanimous vote of representatives of the United States Chamber of Commerce, the National Association of Manufacturers and the American Federation of Labor, the adoption of a policy of planned public works, as a means of combatting depression.

As the commission outlined the plan, all state and federal building projects were to be held at a minimum during periods of prosperity. During the same years a reserve fund was to be built up to permit heavy expenditures for public works in times of depression. By this means, at the first hint of a depression, hundreds of millions of dollars could be thrown into public construction. The result, naturally, would be a demand for labor offsetting any slack in employment caused by a drop in business dealings. It would also increase the demand for materials. According to the Commission, a program of planned public works, started in the early months of a depression, would probably bring the crisis to an end within a few weeks or months.

But, by the time the commission had completed its study, the depression of 1921 had come to an end. Prosperity continued for eight years; and unfortunately the recommendations of the President's Conference were forgotten. And then, in 1929, came the crash. Millions were thrown out of work, and national income dropped nearly thirty billion dollars. The administration at Washington issued hopeful statements; prosperity, we were told, was just around the corner. But depression conditions had run for more than three years, and unemployment had reached the appalling

total of twelve million men, before any actual effort to combat conditions was made.

When in 1933 Congress did take steps to relieve the depression, conditions had become so bad that a moderate program of government construction would have had no effect whatever. Billions of dollars were required, where three years earlier, millions would have been enough. So we have had the Public Works Administration, the Civil Works Administration, the Works Progress Administration—each agency provided with billions of dollars, for construction of anything and everything that would help combat depression.

Mr. Hale has not mentioned these agencies. Nevertheless I will freely admit that they were not without their faults. Inefficient local administration, construction of projects of doubtful value, employment of men unfitted for the work—these and numerous other charges can justly be made against the program. But each one of these faults resulted chiefly from the circumstances under which the program was started. The construction program, the idea of spending to end depression, had been adopted after the depression had run for three years. There was no opportunity for intelligent planning in advance; the government had to act with speed, rather than with care. Lack of time for planning was the basic reason for the admitted defects in the construction program.

The same factor was responsible for the second major type of government spending—direct relief. I'll admit that the administration of direct relief has been far

from perfect. But what else could be expected when a relief organization had to be created in thirty days? Furthermore, had an adequate, planned program of public works been instituted at the beginning of the depression, instead of after three years of delay, no direct relief would have been needed.

So we see that the program of government spending as carried on by the present administration is anything but a fair test of the principle involved. It has been inaugurated under the greatest difficulties; even if it has produced less benefits than we might wish we can hardly condemn the principle of saving money in advance to spend on planned public works, as a method of combatting depression. At least we cannot condemn it on the basis of the limited success of an unplanned program, administered by an organization created overnight, financed by borrowing and instituted after depression was at its height.

Our basic problem is this: Is a planned, thoroughly-worked-out program of public spending an effective method of combatting depressions? Let us see just how a planned program would work. First, remember that all except the most vitally necessary public construction—buildings, irrigation projects, waterways, highways—is avoided in times of prosperity. Second, remember that during prosperous times, reserve funds are accumulated, to make depression borrowing unnecessary. And third, remember that during these same prosperous years a permanent planning force selects the projects that are most necessary and of greatest benefit, and completes plans for construction



down to the last blueprint. Well, with such a situation, we have a stock-market collapse, or some other sign of a coming depression. Immediately, the government machinery is put to work. Bids are asked on the government projects that have been approved. And within thirty to sixty days at most, actual construction is begun. Laborers thrown out of employment in private industry are absorbed in federal jobs. Demand for materials increases. And all the way down the line, more labor, more materials, are called for. As the National Bureau of Economic Research puts it, "The effect of public work does not stop with the employment of the man on the particular job. For example, wages are spent partly on shirts. The demand for shirts causes unemployed cotton and wool operatives to go back to their looms, moves cotton bales from the South, wool from the West and increases traffic on railroads." The effect is obvious. In the words of Otto T. Mallery, of the Pennsylvania State Industrial Board, "Public works need to give direct employment to only a small percentage of the unemployed to handle the situation."

There can be little question that a properly handled, thoroughly planned program of this kind, would go far toward preventing depressions from ever becoming serious. Of course, the plan is not a cure-all; it won't remove all causes of depression, or make depressions impossible—but it is the only major method open to the government of striking a really effective blow at the depression and unemployment evil.

Have the gentlemen anything better to suggest?

Second Affirmative, Noal R. Gray  
University of Arizona

FRIENDS: We are asked if we have anything better to suggest. Yes, we have something much better to suggest, namely that the government stay out of business and allow industry to work out its own salvation as the automobile companies recently did by means of greater efficiencies, closer economies and reduced prices.

It has been the "policy of national government spending" in the past, according to the book by Julius Bonn, *Economics and Politics*, page 36, to "—protect unwise and unfair political intervention by sectional economic domination entailing personal corruption and class or group exploitation." Such is the case at present with the Tennessee Valley project, the paying of money to the farmers for not working their land, and the exploitation of labor. Such also is the case with the granting of subsidies to farmers for destroying crops—taking 165,000,000 acres of land *out* of cultivation and then spending large sums of money for irrigation projects to put *into* cultivation one million acres of new land to raise crops whose owners will be paid for not raising crops on this land. Such is the inconsistency of the policy of national government spending in agriculture at a cost of more than \$1,000,000,000. Is it not obvious that public opinion should condemn such a policy?

The present Federal Administration with its New Deal financial policy is a typical example of an actual program of national government spending as a means

of combatting depressions. Mr. DeClerck admits that the spending program of the present administration is injudicious and unwise, but proposes an idealistic and utopian "planned, thoroughly worked-out program of public spending" as a means of combatting depressions. Showing that such a program is impossible in a practical situation, let it be recalled that it was Herbert Hoover who headed President Harding's conference which considered the depression evil and methods of prevention and cure in 1922. Let it be further remembered that it was this same Herbert Hoover who was President when the crash came in 1929. He had helped to formulate this "planned, thoroughly worked-out program of public spending" and should have been in a position to put that program to the test of solving the depression; but he did not do it!

And just why did he not do it? Because he had an opposition, partisan Congress which blocked his efforts to overcome the depression. This is the typical political situation in the beginning of an industrial depression—with an administration of years' standing losing its Congressional support at the mid-term election. No action can be put into effect at the beginning of a depression due to this typical political deadlock. Furthermore, neither the "beginning" nor the duration of a depression can ever be adequately understood in time to forecast a perfectly planned program of public spending, for, according to Theodore E. Burton in his book, *Crises and Depressions*, page 21: "A depression may occur without a preceding panic or crisis." No

human being or group of humans could possibly perfect such an utopian plan.

When depressions come, Congressmen try to please the voters at home in order to keep their seats and therefore they resort to "log-rolling" financial measures in order to get their state's share of the "steal" in the raid on the public treasury. Reckless, hurried, frenzied, wasteful spending is the result, as in the present Administration.

It has been proved that a "planned, thoroughly worked out program of public spending" would not and, in fact, did not successfully combat the present depression and that such an utopian plan is not a real example of a "policy of national government spending." Further, we have shown that the present national government spending program or the New Deal financial policy is a typical example of what really happens when a depression strikes. It has been freely admitted by the opposition that their program would not and could not cure the present depression if put into immediate effect. Then they posit the unproved assertion that their policy would be able nicely to solve future depressions, some of which are sure to be more severe than any we have had. This depression cannot be cured and was not cured by their proposal; yet they contend, without adequate proof, that their program will with simple ease solve more severe depressions of the future—depressions which will not be fattened on national government spending in their infancy.

Public opinion should condemn the policy of national government spending because huge depression

expenditures place an unwarranted tax burden on the present and future generations. The expenditures of the present administration are, according to the *Time* magazine for October 14, 1935, running over \$8,000,000,000 with a federal deficit of \$3,500,000,000 and this, during peace time. The present national government spending program has increased the expenditures to \$14,000,000,000 in less than four years; increased the government bureaucracy by 160,000 employees not in the Civil Service; created 5000 paid committees and commissions; abandoned the gold standard; devalued the dollar by forty-one per cent; fostered repeated attempts to violate the Constitution; and has resulted to a degree in socializing and regimenting the American people. All this was done under the policy of national government spending as a means of combatting the depression and should certainly be condemned.

Furthermore, increasing the government debt, as is always done in depression spending, is dangerous. The unpaid government obligations which will fall upon the taxpayer at the end of the Roosevelt administration will exceed \$35,000,000,000. Fred Fairchild, writing in the *American Economic Review* for March, 1935, page 43, says that the increasing deficit looms serious for the future welfare of our country and that the staggering sum of our actual deficit and continued unbalanced budget is alarming. Such a huge debt tends to create social disturbances, as happened in Russia in 1916 when the government became too heavily in debt with increasing taxes and unlimited spending in time of distress. The government fell and made possible

the rise of a Stalin with his Soviet regime. Again, in Germany, the staggering government debt imposed by the Allied powers necessitated the devaluation of the German mark. Repudiation of that debt by inflation resulted in a Hitler with his Nazi rule. Our national debt, heavily burdened with political government spending in combatting a depression, staggers and stumbles along under \$35,000,000,000. Some repudiation of this debt has already taken place in the forty-one per cent devaluation of the dollar. Do we seek for a Stalin to arise over us? Do we prefer that a Hitler rule these United States? Our present policy of national government spending leads toward such chaos and destruction as was seen in the French Revolution when hard times struck the lavishly spending government. Blood flowed in the streets; the guillotine struck its grim strokes. Do you wonder that the policy of national government spending as a means of combatting depressions should be condemned?

The New Deal has failed as a means of combatting the depression. This fact is certain. Robert R. Nathan, consultant for President Roosevelt's Committee on Economic Security, placed the unemployment figure at 10,915,000 in September, 1935; while there were less than 3,000,000 unemployed in 1929. There are today three times as many men unemployed as in 1929. Wage earners at present have a total annual income of \$11,000,000,000 below the 1929 level, according to the November issue of *A Survey of Business* by the American Federation of Labor. Cotton acreage has been reduced forty per cent and as a result the exports of

this commodity fell 465,400,000 pounds in the last two years, according to the *World Almanac* for 1935. Since employment declined, foreign trade fell, production of cotton, iron and steel decreased, railway tonnage and earnings dropped, we conclude that the national government spending program under the New Deal has failed as a means of combatting the depression, and that as this is a typical example of a Federal Government spending program in the United States, the principle should be condemned.

We have proved, first, that the New Deal undermines the natural industrial order by competing with private business interests in banking, light and power companies, iron and steel industries and household construction concerns; second, that the New Deal spending program is a typical example of national government spending as a means of combatting depressions; third, that huge depression expenditures have placed an unwarranted tax burden on the present and future generations by spending huge sums on projects of doubtful value, making inadequate provisions for raising the money needed for these expenditures, and by dangerously increasing the deficit of a government with a seriously unbalanced budget; fourth, that the New Deal has failed as a means of combatting the depression, for unemployment is rampant, foreign trade has declined, and production in basic industries has decreased. For these reasons we believe you will agree with us that the policy of national government spending as a means of combatting depressions should most vigorously be condemned.

Dependence upon the shifting sands of politics; upon vain words and timid evasions; upon wasteful spending of national resources; upon favors to the favored few; upon destruction of food supplies when women and children go hungry; upon graft to greedy politicians—is a house built upon shifting sands; and the winds of reckoning will blow, and the rains of future accounting will beat upon that house; and it will be condemned, and great will be the condemnation thereof!

Second Negative, Frank C. Hund  
Kansas State College of Agriculture and  
Applied Science

FRIENDS: I am glad that Mr. Gray, at least, has confined his arguments to the question of government spending. Mr. Hale, you will recall, devoted his entire time to attacking various phases of the New Deal, telling us that the New Deal undermines the natural industrial order, that various government expenditures are placing a tax burden upon future generations, and that the New Deal experiments in social legislation are undesirable. These attacks are entirely beside the point. We are not discussing the New Deal. We are not even discussing the present spending policies of the Roosevelt Administration—at least, not these policies alone. We are discussing the general policy of government spending as a means of combatting depressions.

Mr. DeClerck and I are upholding the principle of spending government money as a means of combatting depression. Mr. DeClerck has pointed out that any



depression—not merely the present one, but any depression, at any time—is injurious to every citizen of this nation. It is the duty of the government to take steps to prevent such a crisis as we have been experiencing during the past five years. Mr. DeClerck has suggested a plan—the plan proposed by the President's Committee on Unemployment, in 1921. It is a permanent government policy; the idea of which is to use government funds, intelligently and on a basis of careful plans, for public works during the first stages of a depression in order to prevent a serious crisis. We've seen exactly how such a program would work—stimulate employment and create purchasing power throughout the nation at a time when purchasing power first begins to decline. And Mr. DeClerck has asked our friends to suggest a better method of combatting depressions.

In reply, Mr. Gray tells us, "Certainly, I'll suggest a better method. Have the government stay completely out of the picture. Have the government do absolutely nothing to prevent depressions, absolutely nothing to alleviate conditions. Let business work its own way out." Well, we've already tried Mr. Gray's method. We tried it in the depression of 1873, after the Civil War—and it took us more than ten years to recover from that depression. We tried it again in the depression of 1893—and it took the Spanish-American War to bring us back to prosperity. We tried the method in the minor depression of 1920, and the depression recurred in 1924 and 1926. And we tried Mr. Gray's method in the fall of 1929, with the result that the

depression became worse and worse through 1930, 1931 and 1932, until the nation's banking system collapsed utterly in the spring of 1933, and 17 million men were unemployed, depending on soup lines to ward off starvation. That has been the way Mr. Gray's plan has worked out when we've tried it in the past; we certainly can't hope for more from it in the future.

But the gentleman tells us, it is impossible for us to have a system of planned spending for public works in time of depression, because we didn't get such a program from President Hoover in 1929, after Mr. Hoover had helped work out the President's Committee on Unemployment program in 1921. I'm afraid that I am unable to follow Mr. Gray's argument on this point. Certainly, Mr. Hoover participated in the work of the Committee in 1921; and certainly in 1929, he didn't put the recommendations of the Committee into effect. He couldn't. The Committee plan includes two phases; one for periods of prosperity, in which the government refuses to build any save absolutely necessary public works, builds up depression reserve funds, selects projects, and makes plans even to the drafting of blueprints; and one for depression, in which the plans made in the prosperous years are put into effect. Well, the first part of the planned program hadn't been carried out prior to 1929; so Mr. Hoover couldn't possibly have put the plan into effect when the depression began. But that fact certainly does not prevent our government from being better prepared for depressions in the future. So Mr. Gray's objection has little force.

Most of Mr. Gray's argument has not been aimed at

the system of planned public construction which we are proposing. Instead, he has chosen to attack the present Administration and its policies. He says, in effect, "A planned system of spending wouldn't work in preventing depressions, because the present wasteful, expensive, unplanned program hasn't pulled us out of the depression." I think that the weakness of Mr. Gray's position is obvious. We certainly can't judge the effectiveness of a planned program, financed by reserves set aside in prosperous years, and put into effect at the very beginning of a depression before conditions have become very bad, by the success or failure of an unplanned system, financed by borrowing, and not begun until the depression has assumed the proportions of national collapse. Even had the present program failed miserably, we could not condemn a planned program of depression spending on that basis.

But when we consider the facts in the case, we find that Mr. Gray's charges against the present program are largely without foundation. Mr. Gray makes a number of attacks. He tells us first that the present program has resulted in government bureaucracy. That sounds pretty bad—but do the facts justify the charge? The American Liberty League, arch-foe of the present Administration, tells us that last June, federal employees numbered 712,000. But the United States Civil Service Commission reports that in June of 1931, before the spending policy had even been thought of, federal employees numbered 672,000.\* In other words, even

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\* Note.—Figures on federal employees for 1931 taken from *World Almanac*, 1932, page 246.

with the thousands of men needed to administer relief, the increase in the number of federal employees has been slightly less than six per cent. Hardly enough to warrant the charge "bureaucracy."

Again, Mr. Gray tells us that our spending policy resulted in the devaluation of the dollar. Apparently this is a case of an effect preceding a cause; because the dollar was devalued before the spending policy was put into effect.

Next, Mr. Gray tells us that as a result of the spending policy, the government has a huge debt. In fact, he puts the figure at 35 billion dollars. I'm sorry to have to tell you that Mr. Gray has been a little careless with his figures; the present debt, as reported by *News-Week* for December 14th, is 29 billion 600 million dollars. He implies, too, that all this debt was caused by the government's present spending program. The facts are that since March of 1933, the debt has increased by eight billion dollars; but a treasury balance increase of one and a half billion and the existence of over four billions of recoverable assets in the form of loans to industries, banks, farmers and home-owners, cuts down the net increase in debt to only about three billion dollars. And even this debt would not have been created, had a planned policy been followed—one of the basic features of a planned program of public works is the creation of reserves during times of prosperity to meet the costs of depression spending, so that no increase in public debt would be necessary.

Mr. Gray's most serious objection to the present spending program is the charge that it has not im-

proved conditions. Of course, we would have every reason to expect that it would have little effect; it was begun at the worst possible moment, after the depression had been running for over three years. When it was inaugurated, there were 17 million unemployed; farm prices were the lowest in 40 years; the banking system was demoralized; business failures were the highest in history; millions were standing in bread-lines; and private charity was unable to cope with the needs of starving families. Then the government spending program was started. Direct relief was provided to millions of unemployed; the P.W.A. and the C.W.A. provided jobs for nearly four million men; and the threat of mass starvation was met with government funds. But what have been the other results of the government spending program? Compare the record for today with that of 1933, when the program was put into effect. Instead of seventeen million unemployed, there are less than ten million; and of these, over three million are working on government projects. Freight-car loadings have risen thirty per cent above the 1933 level; department store sales have risen forty per cent, and are within fifteen per cent of the peak year of 1929; industrial production has increased forty per cent, to within ten per cent of the 1929 level. Business failures have been reduced nearly sixty per cent; bank failures have dropped to the lowest point in history. We're not completely out of the depression, as yet—but we have climbed a long way up the ladder since the public works and relief spending program was inaugurated in 1933. Even the present program, with

all its defects, has been effective in combatting depression. So Mr. Gray's final objection to the program of government spending as a means of combatting depression is met if we study the facts.

Ladies and Gentlemen, we've had depressions in the past. We'll have depressions in the years to come. Next time we must be prepared. And the only effective method of government action is the adoption of a policy of planned government spending, to combat depressions as they begin.

Affirmative Rejoinder, Noal R. Gray  
University of Arizona

FRIENDS: Mr. Hund says the best method is planned government spending to combat depressions as they begin. But, as I pointed out in my previous speech, one cannot possibly know when a depression begins. The failure of a well-known banking firm causing a crisis or panic cannot be regarded as an absolute indication that a depression is about to begin. Then how is one to know when a depression of great length has started? The answer is that one simply cannot have that knowledge. And further, how can one know how long that depression will last? One cannot know that, either. One cannot possibly know how many public buildings and projects will be necessary to fit nicely into the business dip. Furthermore, the proposal of the gentleman from Kansas as formed in 1921 was common knowledge—in fact, Herbert Hoover had conducted the framing of that program and was President of the United States

when the depression of 1929 began—and yet the plan was not used. Mr. Hund tries to dodge this fact; but the charge still stands that the plan was known and yet was not put into effect. Mr. Hoover knew of this plan before the depression began and could have used it and would surely have done so if he had found it possible. It is evident that their highly impractical and utopian plan did not work, and the conclusion must therefore be that it will not work in a practical situation.

The gentlemen from Kansas have been fair-minded in this discussion by admitting that their plan would not be a cure-all and have made this debate a pleasurable experience which we of Arizona hope it will be our privilege to enjoy again; but they seem to side-step the proposition for debate by interpreting the term “the policy of national government spending” to mean a planned, thoroughly worked-out program of national government spending with qualifications to the effect that there will be no spending in times of prosperity and perfect spending in times when a depression is about to begin. I have already shown the fallacy about the beginning of a depression. Furthermore, there cannot be perfect spending in government projects due to political management, persistence in losing financial ventures, spoils system of political appointments, opportunity for graft, pork-barrel legislation, and incompetent employees. Also, there must be a great deal of spending in times of prosperity which Mr. Hund and Mr. DeClerck seem not to take into consideration at all. Furthermore, they make no provisions for the

gradual slowing up of their public construction. Even so, their system of planned, public construction does not meet the real issue of this discussion because of the asserted condition of a perfect policy which wraps up their whole sugar-coated and sweetly candied plan in crinkling cellophane.

Therefore, let us return to the real problem for discussion which is: Should public opinion condemn the policy of national government spending as a means of combatting depressions? Upon the interpretation of the term, "the policy of national government spending," hinges this whole discussion. Mr. Hale and I have interpreted the policy of national spending to mean the allocating of public funds by the Federal Government for special government projects with the intention of relieving unemployment distress and stimulating business and industry. Our interpretation has included both past and present administrations in their actual policies of national government spending as a means of combatting depressions. In contributing our part to this discussion, Mr. Hale and I have presented evidence to show that the present national government spending program is a typical example of a Federal Government spending program; that the present national government spending program has interfered in basic industries to the detriment of business and aroused resentment against the government, has created an unwarranted tax burden on present and future generations, has caused a dangerously increasing public debt, and finally has definitely failed to solve the depression. Therefore, the policy of national govern-



ment spending as a means of combatting depressions should be most vigorously condemned because such spending is and has been a menace to the safety and security of our government.

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THE GENERAL SALES TAX  
*A Radio Debate*



# REPEAL OF THE IOWA GENERAL SALES TAX

## *IOWA STATE COLLEGE AFFIRMATIVE VS. IOWA UNIVERSITY NEGATIVE*

Because of the prevalence of new laws in various States of the Union adopting the sales tax as a method of raising revenue, the discussion given here should be one of universal interest, for the principles and incidence of the sales tax are practically the same for all States.

This debate on the sales tax was the eighth of a series of thirteen radio debates held over station WOI, Iowa State College, between December 19, 1935, and March 19, 1936. The debate took place on February 13 at 11:15 A.M. It proved to be one of the two most popular of the entire thirteen. Two hundred eighty-eight letters were received from the listening audience in twelve States. Although the debate was a non-decision affair, the audience was asked to indicate its attitude towards the question for debate. The audience proved to be overwhelmingly opposed to sales taxes in general.

The manuscript of this debate was submitted by Professor Forest L. Whan, of Iowa State College, Director of Forensics, with Professor A. Craig Baird of the University of Iowa co-operating.

The question for discussion was stated: "*Resolved, That the Iowa General Sales Tax should be repealed.*"

### First Affirmative, George Parsons Iowa College

MR. CHAIRMAN, LADIES AND GENTLEMEN: We are very glad to welcome to our campus this morning the gentlemen from the University of Iowa, and to debate with them the question of the Iowa Sales Tax. Each

of you is interested in this question if for no other reason than that of having to "fish down" into your pockets for an extra penny or two every time you make a purchase. Mr. Heinemann and I are opposed to this tax, not only because we do not wish to "fish for a penny," but because we believe that it is the most unjust and least desirable of all forms of taxation.

In determining the validity of a tax we must ask ourselves this question: "Is it a just tax?" We contend that the Iowa Retail Sales Tax is not just. First of all, it falls much more heavily on the purchaser of small items than on the purchaser of large. As you know, it is supposed to be a straight two per cent tax on the gross receipts of all sales of tangible personal property. Well and good! It may amount to two per cent of the retailers' gross income; but what about the consumers, you and me? Suppose for example, that you go to the corner grocery and buy a loaf of bread. You will pay the clerk fifteen cents plus an extra penny sales tax. What per cent of the total purchase is that added penny? Ladies and Gentlemen, it is over six and a half per cent; not the two per cent at all. On a twenty-five cent article you pay a four per cent tax. In short, on articles that cost between fifteen and fifty cents, your tax ranges from six and one half per cent down to the minimum of two per cent. Only on articles costing less than fifteen cents or between fifty and sixty-five cents do you pay less than two per cent. And you all know that there are many more purchases within the tax range than beneath it. If you keep track of your tax expenditures you will find that you are

paying around four per cent to the dealers although they are required to pay the government but two per cent.

Secondly, this general sales tax works a hardship on certain types of firms. While some firms make money on the tax, others find it quite costly. The firm which sells small articles, ten cent stores, pop corn stands, sandwich stands, and the like, find it impossible to collect tax enough to pay the State. Further than that, the small firms, which formerly got along without book-keeping systems to any great extent, have been obliged to incur this added expense in order to meet the requirements of the State in keeping track of the gross receipts on which the tax must be paid quarterly. These firms do not ordinarily need to keep books. They have, therefore, been obliged to add this unnecessary expense so that they may act as tax collectors for the State Government.

Third, there is the confusion resulting from some of the exemptions to this tax. For instance, in several kinds of service professions no tax is demanded. As an example, the barber must pay a tax on the equipment he uses in shaving his client or in giving haircuts, but is not allowed to collect that tax from his customer. He pays a tax on his scissors, shaving soap, bay rum and other articles. The printer and certain other business firms likewise find themselves taxed. Because they sell what is called "services" they are not allowed to collect a tax to pay the government; but the government collects the tax from these business firms. The tax they pay may not be large enough to work a hard-



ship, but the principle is unjust in that it singles out certain firms that must pay a tax, while others are making a profit from the law.

But by far the most important argument against the Iowa General Sales Tax is that it defies the basic principle of justice in taxation. All economists agree that a "just" tax should be based on the ability of a man to pay it. Ladies and Gentlemen, you all know that the Iowa Sales Tax is most emphatically *not* based on this principle. You are all familiar with the arguments advanced against the old "property tax" which placed a fixed assessment against the valuation of property, regardless of the variation in income of the owners of the property. There were those who believed in that tax just because it was held that any one who owned property had an ability to pay. But the Iowa Sales Tax does not even have that justification. Of all the taxes yet devised by man, the sales tax is by far the most unjustifiable and arbitrary. In every case in history it has proved its badness. It was a sales tax on necessities which drove the colonists to revolt against England in 1776, you will remember. Our ancestors fought for freedom from what they then recognized as unjust taxation. Yet the State of Iowa places a tax on more than sugar and tea. The general sales tax falls on every conceivable necessity of life. A person with an income of \$500 a year has to spend every cent he makes for these necessities. A two per cent (forgetting for the moment that it probably amounts to four), deprives this person's family of \$10 worth of necessities. Necessities, I remind you; not

luxuries. This ten dollars might have furnished the family with two tons of Iowa coal; might have clothed several children during the winter with home-made clothing; might have kept the family in food for a period of two or three weeks. You can well believe that in such cases the two per cent tax is an important item!

On the other hand, a person with an income of \$10,000 a year does not spend one hundred per cent of that income on necessities. Much of his income may not be spent on things that feel this tax at all. And the large part of the income spent on taxable goods is spent on luxuries. This man has the ability to pay a much greater percentage of his income in taxation than does the low salaried man. Yet the State places the same percentage of taxes on the goods purchased by both. Ladies and Gentlemen, there may be some excuse for placing a sales tax on the luxuries of life, such as gasoline, cars, radios, jewelry, furs and the like. But there has never been, there is not now, nor can there ever be an excuse for placing a general sales tax on the necessities of life. England tried it and lost her colonies. Iowa is doing it and is placing a hardship on the people who can least afford to pay taxes.

Results of a nation-wide investigation, financed by the Rockefeller Foundation and made public in February, 1934, reached the same conclusions. Perhaps you read their findings. You will remember that the investigation was conducted by Robert Murray Haig, McVicker Professor of Political Economy of Columbia University, and carried out by a staff of economists headed by Prof.

Carl Shoup of the School of Business. This study, said to be the most extensive of its kind yet made, took in twenty-seven states, including the eighteen in which the sales tax is now in force. Professor Shoup, speaking both for himself and his staff, deplored the tax as an unnecessary and backward step in taxation, its main fault being the inequality of distribution.

In case the gentlemen from Iowa University are not willing to accept the findings of these noted economists, let me cite for them the decision of the Supreme Court on the validity of the retail sales tax. The case was that of the Kentucky sales tax, which was essentially the same as our own Iowa tax. In the magazine *Business Week* for November 16, 1935, this article appeared, (I quote): "Kentucky lost its gross sales tax case on the judgment of the United States Supreme Court that its sales tax law was arbitrary, flimsy, and an unequal burden and therefore invalid. Justice Roberts, in delivering the 6-to-3 decision, added that 'the fact that the tax may not be burdensome does not offset the validity of the law.'" The article went on to say that Kentucky would not have to pay back the 1.2 million dollars which retailers had put up pending the final decision.

Ladies and Gentlemen, throughout history the general sales tax has been condemned. Even the gentlemen from Iowa cannot argue that it is a just tax—that it is based on the principle of the ability to pay. No one can deny that it places a tax on the necessities of life, and that such a tax must work a hardship on the many. To some of us the Sales Tax has seemed but

an inconvenience. But to many it has been an actual disaster. Since the time of the Revolution, whenever the sales tax has reared its ugly head, Americans have fought it. The Processing Tax on agricultural commodities was fought because it taxed necessities. Our own legislators in Iowa, recognizing the injustice of the tax placed it in operation for only a two-year period. Recognizing that the tax is one of the easiest of all to collect because one cannot live without the necessities it taxes, recognizing the need of the State for more income, we nevertheless stand firm in our belief that the tax should be condemned.

First Negative, Charles Baker Waterman  
Iowa State University

MR. CHAIRMAN, LADIES AND GENTLEMEN: We are glad to have the opportunity to discuss the Iowa Sales Tax and to plead the justice of its cause, for we all strongly suspect that the abolition of the sales tax will be advocated during the coming political campaign.

To persuade us that the tax should be abolished Mr. Parsons has argued that it is an unjust tax because it places an unjust and unequal burden upon certain taxpayers. Furthermore, he contends that the tax is unjust in principle. Let us reconsider these arguments in some detail.

Is it true that each of you pays an average sales tax of four per cent? Is it not more probable that you pay very nearly two per cent on your total purchases,

rather than four per cent? The speaker, himself, said that every one of us makes purchases on which we are under-taxed as well as those on which we are over-taxed. Moreover, Mr. Parsons will agree that many of your purchases are paid for at the end of the month and that the tax on these bills would be approximately correct. Since every one in the State paid an average sales tax of only \$4.56 in the first year, the extra amount which might possibly have been paid to the stores could not have been more than a few cents. Therefore, the likelihood of your purse being depleted to pay undue sales tax is remote.

Next, the Affirmative assert that certain firms, like the ten-cent stores, do not collect as much tax as they must pay to the State. Some firms do make many ten-cent sales upon which they collect no tax. But, are these stores not the most likely to make sales whose value is between fifteen and fifty cents? For, do not the ten-cent stores often sell two packages of pins or a handful of pencils at one time? Then, if the store makes one twenty-cent sale for every three ten-cent sales, it will collect the exact amount of tax due the State. Is it not probable that this is very nearly the result? The situation cannot be serious; for, if the merchants were unable to shift the tax, they would have appealed to the State Board of Assessment and Review, which has power to change the regulations.

Mr. Parsons argues that the tax discriminates against the seller of services like the barber because he cannot shift the tax. The principle embodied in the law is that the ones who derive the use and benefit from

personal property should pay a tax for doing so. Since the barber is the one who uses the scissors and bay rum, should he not pay the tax? This principle is universally applied. Your golf professional, as well as we amateurs, pays a tax upon his clubs. You farmers pay a tax upon your tractors and you salesmen upon your automobiles. Since neither the consumer, the operator of certain firms, nor the seller of services is taxed unjustly or disproportionately, are we not agreed that the administration of the sales tax has been just?

A more important issue is whether the tax is just in principle. The Affirmative state that the Supreme Court decided that the retail sales tax was "arbitrary, flimsy and an unequal burden." However, the Kentucky gross sales tax was not similar to our own. The November *Iowa Law Review* reports that "the pronouncement held the taxation of all retailers at a rate graduated according to gross sales" to be unconstitutional. Thus, it was not the tax itself, but the unequal treatment of retailers, to which the court objected.

A study of modern history shows that twenty-three States were collecting sales taxes of broad scope in September of 1935. Should Iowa part company with these twenty-three States which are solving their tax problems by means of the sales tax?

But Mr. Parsons says that the tax is unjust because it does not tax people according to their ability to pay. The fallacy in his argument is that he considers one tax rather than the entire tax system. One tax cannot be judged solely upon its own effects because no tax can reach every one and exact his just share.

Therefore, the sales tax must be judged as part of the Iowa tax system. This system includes taxes upon tangible property, moneys and credits, personal and corporate incomes, estates, gasoline and retail sales. Does this Iowa tax system collect taxes according to the ability of its citizens to pay? The sales tax, as we have seen, takes not more than two per cent from all net incomes. Moreover, the tax upon the individual is roughly proportional to his income. The greater the income, the greater will be the amount spent for taxable goods. This tax has a place in our system. It collects a small tax from those who have some ability to pay, but who cannot be reached by other taxes. Furthermore, the Iowa system exacts a higher tax from those persons with larger incomes and a correspondingly greater ability to pay. Those persons must pay taxes on their net income, on the property which they own and on their automobiles. Is not this revised tax system fair and just?

Ladies and Gentlemen, not only is the sales tax just, but it serves a useful purpose as a replacement of the general property tax. The gentlemen from Iowa State realize as well as you do that the tax upon property does not fluctuate with a change in the income of individuals. This is why there were \$16,700,000 of delinquent Iowa taxes in February of last year. Not only is this tax so costly that it is burdensome in a depression, but will become so during prosperity, if the rates are allowed to rise. Last year even after the tax reduction measures were made effective the tax rate in Des Moines was \$49.25 on each \$1000 of valuation.

This property would have to produce an income of five per cent on the investment to pay the taxes alone. Could the rate of return be expected to be much higher? Besides, you all know the amount of your own property tax. Are you willing to have it increased by the abolition of the sales tax? But, has the sales tax been a replacement tax? The State Board of Review announced that \$11,039,000 had been returned to the counties in the last fiscal year to replace property taxes and to pay for poor relief which would otherwise have necessitated an additional assessment. Therefore, can we afford to relinquish so valuable a part of our tax system?

**Second Affirmative, Burdet Heinemann**  
**Iowa State College**

LADIES AND GENTLEMEN: No doubt many of you have noticed a weekly feature, in many of Iowa's newspapers, which is entitled, "The Quiz of the Week." You remember how this is run. There are a lot of questions and then you have to look some place else for the answers. With all respect to Mr. Waterman, I would like to suggest that his speech was quite like one of those features with one exception—although he asked a lot of questions, he did not include the answers. So with his permission, I should like to place the answers to his questions at your disposal. He first asked, "Is it true that each of you pays an average sales tax of nearly four per cent?" The answer is *yes*, you do. Mr. Parsons spent some time showing you



why you pay nearly four per cent. Think of the purchases you have made in the last twenty-four hours. If you are in the majority group, your purchases were for fifteen or twenty-five cents in which case you were paying considerably more than two per cent. Furthermore, Mr. Waterman's figure of \$4.56, which he says is the average amount that every one pays to the State in sales tax, is based on the amount of money that the retailers turned over to the State—not the amount of money that you consumers turned over to the retailers. The point is this, if you make six fifteen cent purchases you pay six and one-half per cent in tax of which the retailer turns over only two per cent to the State, keeping four and one-half per cent for himself—quite a neat profit. To Mr. Waterman's second question—"Is it not more probable that you pay very nearly two per cent on your total purchases, rather than four per cent?"—I say, no, it's quite beyond probability—it's a fact that you pay nearer four per cent. And may I remind you, Ladies and Gentlemen, that because you are paying twice as much tax as you should without doing the State any good by paying that extra amount, the sales tax is unfair and should be discontinued!

My colleague told you that the sales tax worked a hardship on certain types of stores like the ten-cent stores. Mr. Waterman again attacked that condemnation of the sales tax with the aid of a question mark when he asked: "Do not the ten-cent stores often sell two packages of pins or a handful of pencils at one time?" And the answer which he forgot to give is: "Not if *you* can help it!" Many customers who must

carefully watch each penny, will pay for one ten-cent purchase and then return to make another purchase. If you don't believe me, then ask any one who has worked in a ten-cent store. Our opponent makes the assertion that surely this situation cannot be serious for the merchants would have appealed to the Board of Assessment. You must remember, Ladies and Gentlemen, that these certain types of businesses are in the minority—most larger firms profit by the sales tax—and as Haig and Shoup pointed out on page 24 of their modern book: *The Sales Tax in the American States*: "The small retailers, who probably suffer more under the tax than the large stores, cannot by themselves offer effective opposition." And as for the seriousness of the situation—your automobile tire may have a slow leak, yet you are not content to ignore it and wait for the tire to go flat. If your tire is rotten, you throw it out; and that is what Mr. Parsons and I want done with the sales tax—it is unsound in principle and should be abolished.

Then Mr. Waterman goes on to say that the reason the Kentucky Supreme Court declared the Kentucky sales tax unconstitutional was because of the unequal treatment the retailers received—which is exactly what Mr. Parsons showed about the Iowa Sales tax. Consequently, we feel that Mr. Waterman has not successfully refuted our contention that the sales tax is unjust in principle.

And, incidentally, Kentucky is not the only State in which the sales tax has been declared unconstitutional. Arizona and Illinois also had sales taxes that were de-

clared illegal. And in Arkansas, North Dakota, Oklahoma and Oregon, the tax was repealed because of popular disapproval. Which shows that sales taxes aren't as generally accepted as our opponents would have you believe.

Finally, the gentlemen from Iowa University commit what is known to bald-headed, stoop-shouldered philosophers as the fallacy of division. He says that because the tax system as a whole is a fair tax, the sales tax is also fair. This is like arguing that because the top layer of potatoes in a bushel basket are large and desirable that the potatoes throughout are just as good. You housewives know that this is seldom true. The sales tax is unjust because it does not tax according to an individual's ability to pay regardless of the rest of the tax system.

Recall, if you will, the time when your school class decided to buy your teacher a gift. You each chipped in twenty-five cents. But Johnny Smith's dad gave him \$5.00 a week to spend, so twenty-five cents didn't bother Johnny any—he had plenty. But maybe you only had fifty cents—that meant that you had to give one half of all you had, and that wasn't easy. Now just magnify this situation to a state-wide basis and you have the sales tax. Every one is chipping in an equal amount. According to a study published in the *Business Week* magazine April 27, 1932, eighty-four per cent of the purchases of goods and services are made by consumers with incomes of less than \$5000 and sixty per cent are made by those receiving less than \$2000 a year. In other words, people who make less

than \$2000 a year are supporting sixty per cent of the sales tax burden. If this is fair then my philosophy professor was all wrong.

It is perfectly obvious to me, to you, and to every economic student who ever studied it, that the sales tax is unfair and therefore should be abolished.

Suppose, Ladies and Gentlemen, if you went to the store to buy a pair of glasses to help your eyesight; and supposing after a week or so you found that the glasses did not help you any and were actually harmful and a nuisance to boot,—you'd take them back, wouldn't you? You bet! And you'd give the clerk a piece of your mind, too. That is exactly the way Mr. Parsons and I feel about the Iowa Sales Tax. Mr. Parsons has told you how it has been harmful and now I would like to show you how the tax has failed in reaching its goal.

When the bill was passed in 1934, it was estimated that it would bring a revenue of about \$16,000,000. Of this amount three per cent or about one-half million was to be given to the department to take care of expense of collecting. Three million dollars was to be used for relief purposes. Twelve and one-half million was to be used to supplement the property tax.

Now let's take a look at the results for one year. The total amount collected was about \$11,500,000—four million short of the goal. The three per cent was paid to the department to cover the expense of collecting. The three million was given for relief. And only eight million was used to replace the property tax—or only two-thirds of what was estimated. Senator R. E. Stevens, who is chairman of the State Senate Ap-

propriations Committee, said that the tax law did not yield the revenue expected and that unless other sources of revenue are found we are going to be confronted with higher property taxes.

May I remind you again, Ladies and Gentlemen, that the sales tax was passed with the view of largely supplementing the property tax, and after a year of operation we find that the property tax will probably have to be increased. The sales tax therefore has failed in its purpose and should be abolished.

Because it is harmful and has failed in its purpose, Mr. Parsons and I believe that the sales tax should be discontinued.

Second Negative, James McCarthy  
Iowa State University

LADIES AND GENTLEMEN: In raising the issue, "Is the sales tax just?," Mr. Heinemann has stated that the tax is unjust because we pay a rate of about four per cent instead of two per cent on our goods. He has based his argument on the claim that most of our money is spent for articles costing between fifteen cents and fifty cents. Now, Ladies and Gentlemen, don't you spend most of your money in sums much larger than fifty cents? An article in the *Des Moines Register* of September 6, 1935, gives the report of Iowa sales tax officials as to the sources of sales tax revenue for the first year. Almost one-fourth of the tax was collected from food stores and restaurants. In fact, ninety-two per cent of the money from the sales

tax comes from department, drug, hardware and general stores, and from businesses dealing in food, clothing, lumber, coal, feed and fertilizer, automobiles and farm implements. Is it not clear that our major sales tax levy is based upon the purchase of food, clothing, coal and other large items, rather than on articles priced from fifteen cents to fifty cents? Don't you spend most of your money on these large items? When you buy food, don't you buy more than fifty cents worth at a time, and then often charge your purchases? If most of your money is spent in sums of several dollars or more, you pay a sales tax of not four per cent but a flat two per cent.

As further justification of their argument that the tax is unjust, the Affirmative cite a decision of the Supreme Court which declared a Kentucky sales tax law unconstitutional and unjust. They say that because Kentucky's tax was "essentially the same as our own Iowa tax," our tax is also unfair. However, the two taxes are not essentially the same, and really cannot be compared. The Kentucky tax provided for low rates for stores doing a certain small volume of business and increasingly higher rates for stores doing a larger volume. Obviously, the large stores were unfairly and unequally treated, for they had to pay higher rates. In Iowa, as you know, the sales tax rate is a flat two per cent on all retail sales of all stores. So to say that the Kentucky tax with its different rates for different sized stores is essentially the same as our own Iowa tax with its flat two per cent rate is not true. Nor is it logical to conclude that our tax is unfair and

unequal because that Kentucky law was objectionable.

The Affirmative stated that besides Kentucky, "Arizona and Illinois also had sales taxes that were declared illegal. And in Arkansas, North Dakota, Oklahoma and Oregon, the tax was repealed because of popular disapproval." The inference is that these States do not have the tax now. The facts, however, are otherwise. According to *The Tax Digest* of September, 1935, with the single exception of Oregon, every one of these States mentioned has a sales tax today—Kentucky, Arizona, Illinois, Arkansas, North Dakota and Oklahoma. In every case, either a higher court reversed the decision of the lower one to declare the tax constitutional, or the act was revised to conform with the State's Constitution, or the people reconsidered and enacted the tax. It is in successful operation in these States today.

The Affirmative argue that the tax is unfair because it falls heavily on those least able to pay it. In answering this argument, I wish to point out again that in order to pass on the worth of a tax you must see it in relation to the other taxes in the system. We do not claim that our tax system should consist of the sales tax alone; but as part of a system of taxes, the sales tax has a useful purpose and is justified. You all know that the carburetor is a very important and useful part of a car. Yet if you had only a carburetor you could not go for a ride, nor could you really understand the operation of the device. It is only when the carburetor is working in the car that it is useful and understandable. The sales tax is like one of the parts of a car—

you do not consider it separate from the whole system, and it is a necessary part of the whole system.

It is one of the principles of a good tax system that it should not rely on one or two taxes, but should consist of a number of different ones. Prof. Harley L. Lutz, a nationally recognized tax expert of Princeton University, in a series of essays entitled *Essentials of Taxation*, states, "Several types of taxes should be provided to effect an equitable distribution of governmental costs among all citizens. The total tax load will bear least heavily on some individuals when every one carries his own share of it." This principle is clear. Our friends from Ames will readily see that the sales tax has its just place in our system. We have income and property taxes which tax the wealthier people, and from these the State gets most of its revenue. However, every citizen receives many benefits from the government. Is it not fair that every citizen should contribute at least something to help pay for these benefits? And, after all, the tax is roughly proportional to income; it is hardly true that "every one is chipping in an equal amount," as Mr. Heinemann claims. Obviously those who spend little won't have so much to pay. A tax of two per cent does not work hardship on any one, and it gives people a feeling that they are helping to support the government. When people have this feeling they will be more opposed to increases in taxes, and more in favor of reduced costs of government. The sales tax is not unjust, and it definitely has its place in our tax system.

In the last analysis, Ladies and Gentlemen, the most



important point in favor of the sales tax is that it does bring in the money and that property taxes have been reduced. Is not the main purpose of any tax to provide revenue for the running of the government? Before the sales tax was enacted, it was found that the money from the old property tax was not enough to finance the government. Mr. Waterman has told you that Iowans owe more than \$17,000,000 in taxes, largely property taxes. The principal weakness of the income tax is that its revenue falls off so badly in times of depression. In view of these facts, some new tax was needed to relieve the oppressive burden on property and to provide a stable source of revenue for the government. The sales tax has done this. In the last fiscal year, \$11,039,000 has been returned to the counties to replace property taxes and to pay for poor relief. In a few years we can hope that we will not have to spend money for poor relief, so this sales tax will reduce still further the property tax. Does not this revenue, this cold cash, justify including the sales tax in our system?

It is difficult to follow the logic of the Affirmative when they say that since we didn't get as much money as we expected and will have to increase the property tax, we should abolish the sales tax. Obviously, to do that would increase the property tax still further. Do you realize, Ladies and Gentlemen, that if we had not had the sales tax in the past several years, the cost of poor relief, the decline in income tax revenues, and the property tax delinquencies would have caused a marked increase in property tax rates? With the sales tax,

we have not only prevented this increase, but have actually reduced the property tax. In the face of rising costs of government and falling tax collections, do you want to abolish this valuable source of revenue? Eleven and a half million dollars is a lot of money; we should be glad to get that much, instead of throwing it away because we expected to receive more. And if we really don't like to see taxes increased, we might try the plan of spending a little less.

In conclusion, Ladies and Gentlemen, I repeat that the sales tax is a just tax which, by enabling every one to help bear the cost of government, has its place in our tax system. Furthermore, it does bring in the money. It has reduced the property tax. Thus it has served the purpose for which it was enacted. If you abolish this tax, you will throw away eleven and a half million dollars which must be raised from other sources. Indeed, Ladies and Gentlemen, can you afford to abolish our sales tax?

**Affirmative Rejoinder, George Parsons**  
**Iowa State College**

**LADIES AND GENTLEMEN:** Let me point out two apparent misunderstandings on the part of the gentlemen from the University. First of all, they tell you that you pay only two per cent because so many of the things you buy are charged and paid for in lump sums at the end of the month. The gentlemen seem to misunderstand the law. For it matters not when you pay the bill, the tax is added at the time of purchase. It

is illegal for the store owner to add the bill at the end of the month, and then figure the tax. He must figure the tax on each purchase and charge you that amount, no matter when you pay the bill. This is one of the bad features of the bill. The gentlemen from Iowa evidently would agree that this is a bad thing, for in upholding the bill they argued that paying the tax by the month was an element in favor of the sales tax. So the gentlemen's argument only helps prove that the sales tax is not all that it should be.

Secondly, Mr. McCarthy seems to believe that most of us spend our income for large items. So uncommon is it to purchase automobiles, lumber, fertilizer and the other things he mentions, that the Iowa Income Tax Commission directs you to list the sales tax on such items separately, not including them in the exemption column under the head of General Sales Tax. Surely, the gentlemen cannot be serious in claiming to believe that most of our money is spent for such items.

Throughout this discussion the Affirmative have insisted that you cannot examine a single tax from the standpoint of justice, but that you must examine the tax schedule as a whole. The fallacy of that type of argument is quite apparent. The gentlemen would refuse to oust a bad school teacher, merely because the educational system as a whole was good. Mr. McCarthy likened our sales tax in our system of taxation to the carburetor of a car. He assumed that, since we cannot get along without the carburetor, we must keep the sales tax. But if the carburetor is faulty, we buy a

new one, don't we? If the sales tax is bad, we must find some other tax to take its place.

Mr. McCarthy ignores the findings of the nation-wide investigation, financed by the Rockefeller Foundation, which examined all of the sales tax systems in all of the States of the Union. Mr. McCarthy ignored the report which deplored the tax as an unnecessary and backward step in taxation, its main fault being the inequality of distribution of the burden of the tax. He only contented himself with pointing out that some of the States which repealed the sales tax have put in new ones. He did not, however, show that these new ones were any more just than the old. Nor did he prove that they are any more popular. He was unable to discover a single economist or tax expert who upheld the sales tax as just. He quoted a Princeton professor as saying that we must have several different taxes, and concluded from that that the professor is in favor of a sales tax. This is not true. The professor in the very book from which Mr. McCarthy quoted goes on to say that a general sales tax is the most unjust of all levies. Certainly, economists and tax experts through the ages have recognized the badness of the general sales tax. Certainly, the Iowa General Sales Tax is no exception.

But Mr. McCarthy concluded by telling you that in the last analysis the *most important* point in favor of the sales tax is that it does bring in the money. Forgetting that the Iowa Sales Tax has been disappointing on that point, let us examine this argument. Would the mere fact that it "brings in the money" justify the

use by the State of slot machines as revenue getters? Is the method of the thief justified because it "gets him the money"? Confiscation of property "gets the money," too; should we use it as a revenue getter as did the Romans? Are we to ignore justice in the interests of filling the coffers of the State? Certainly not! And yet, to Mr. McCarthy that is the "most important point in favor of the sales tax." If that is the gentleman's criterion of a good tax, I can begin to understand why he is not worried about the people who pay the taxes. He worries about the State Treasury. Let the State find just taxes, or let the State cut down its expenditures. Surely, its money getting qualities cannot justify the continuance of the Iowa General Sales Tax.

Ladies and Gentlemen, throughout this debate we have pointed out that the sales tax is an unjust tax and as such should be condemned. We have pointed out that it places a burden on the very ones least able to pay it. We have shown you that it is a tax on the necessities of life, and as such does not belong in a civilized democracy. And we have shown you that the Iowa General Sales Tax is even more unjust in that it places an unequal burden on the industries which collect it. When this bill comes up for repeal, as it surely must at the next session of our legislature, do your part in wiping it from our statute books by writing to your representative demanding its repeal.

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GOVERNMENT OWNERSHIP OF ALL  
MEANS OF PRODUCTION

*Rocky Mountain Debate League  
Championship Debate*



# GOVERNMENT OWNERSHIP OF ALL MEANS OF PRODUCTION

## UNIVERSITY OF UTAH AFFIRMATIVE VS. UNIVERSITY OF DENVER NEGATIVE

The Debate Tournament of the Rocky Mountain Forensic League resulted in a tie between the University of Utah and the University of Denver for the season of 1935-36, as the decision was made on a percentage basis and ties were not broken.

The speeches of the two championship teams are given here in debate form, one taking the Affirmative and the other the Negative. The league debates were held at the University of Utah, Salt Lake City, Utah, October 25-26, 1935. The subject under discussion was stated: *Resolved: That the United States Government should own and operate all means of production.*

The speeches were assembled and contributed to "Intercollegiate Debates" by Professor Laverne Bane of the University of Utah, Director of Forensic at Utah University with the active co-operation of Professor Elwood Murray of the Department of Speech of the University of Denver, Director of Debate at that institution.

### First Affirmative, Howard Anderson University of Utah

LADIES AND GENTLEMEN: For several years economists have been assuring us that modern technology is capable of producing a sufficient number of goods and services to satisfy all human wants. During the boom days of the late 1920's, even the most conservative hopped aboard the "no more poverty" band wagon. Herbert Hoover, speaking for the capitalistic system,

hoped, with the help of God, to put a chicken in every pot and two cars in every garage. Well, as Stuart Chase so ably puts it, "God did not help, the system went on half time, and after five years of acute depression, a chicken for a few of the garages seems to be about the best that capitalism can provide."

We of the Affirmative believe that an economy of abundance is far from impossible and it is our purpose in this debate to point out a system which can effectively utilize our productive resources to create this abundance.

Before we proceed further, however, I wish to define the controversial terms of the question. By "all means of production" we mean all of the physical means of producing commodities, the transportation and distribution systems handling these commodities, and the financial organizations which integrate these systems. "Own and operate," we define to mean that the United States should have legal title to and possession of all the means of production; and should control and guide their operation.

The ideal of the Affirmative in proposing this change is to make effective use of all the goods and services we have available. It is our contention that under the capitalistic system we are not making effective use of our productive resources. In 1933, according to the Brookings Institute of Economics the actual output of manufacturing industries was only seventy-two per cent of capacity. In 1921 the percentage was fifty-seven. Furthermore, the Institute estimates that nearly three hundred billions of goods and services

which might have been produced since 1929 have not been produced.

The evil of this limitation of production lies in the fact that there are human wants which could adequately provide for the consumption of all we can produce. One of the foundation stones of economics is that man's wants are insatiable. Given the purchasing power, the American public could consume all we could possibly produce. I, for example, need another pair of shoes, a new car and hundreds of other articles which I cannot afford under our present system. There are literally millions in our country even in the best of times who do not have adequate food or clothing. Hence, we of the Affirmative believe that the capitalistic system fails because it creates a maldistribution of purchasing power which prevents a full enjoyment of our productive resources. The American workers do not receive enough in wages to buy back the goods they produce. We have the paradoxical situation of technological improvements making possible the mass production of goods which must be sold to men who are kept in idleness by these machines. Not only is the invention of new processes keeping men from employment, but our capitalistic system, necessitating as it does large capital accumulations, prevents employers from paying workers enough to buy back the goods they produce. There is a standing army of five million men unemployed in the United States in normal times, while at the present time twenty million Americans are existing on the poverty level without adequate food, sufficient clothing, or suitable dwelling places.

It is intolerable that twenty million Americans are compelled to seek shelter in absolutely run-down shacks when the heavy goods industries are operating at thirty per cent of their capacity; that Americans should want for food when the flour milling industries are operating at forty-four per cent capacity; or that they should be inadequately clothed when our textile factories are operating at less than fifty per cent capacity.

To remedy these evils, the Affirmative proposes that the United States Government should own and operate all means of production. Briefly, our plan is as follows:

1. Immediate taking over of all means of production by a 100 per cent tax.
2. Government approval of all export and import transactions.
3. Retention of the present personnel of industry on a salary basis until a civil service system can be established.
4. A graduated scale of salaries commensurate with the position held.
5. A provision for old age pensions and disability payments.
6. A provision for purchases on credit with no interest charge but small handling charge to cover the cost of the personnel service rendered.

Let us see how our proposal will affect the evil. Under the capitalistic system there will always be a discrepancy between purchasing power and productive capacity. This is inevitable because of the necessity

of rewarding capital for its share in production. In 1929 twenty-four per cent of our total income or twenty-two billion dollars consisted of returns on investments of capital in productive industries. In other words, the workers who buy nearly all of the consumer goods produced received only seventy-six per cent of the value of these goods. We do not contend that the money derived as interest on capital investment is lost to production. Part of it is re-invested to expand the industry while part of it—a very minute part—is used to purchase consumers' goods. The bulk of it, however, is employed as the basis of our credit structure. Credit is extended to the workers in order that they can buy back what they produce. The interest charge on this extension further curtails the ultimate purchasing power of the working public until finally they reach a point where they diminish their buying because of the necessity of paying back with interest the money with which they purchased last year's goods. This slackening in demand is the beginning of the cycle of deflation, in which decreased power to buy results in the dismissal of employees who in turn are unable to buy their usual quota of products.

We of the Affirmative seek to remove this barrier to an economy of abundance by having the United States Government own and operate all means of production. By so doing we obviate the necessity of capital investment and its consequential detrimental results. The government can produce and sell commodities for the actual equivalent of the labor involved in securing raw materials and manufacturing the fin-



ished product. There will be no return on capital investment to create a discrepancy between purchasing power and productive capacity. Then demand and the power to produce will alone set the limits upon production. Instead of operating at seventy or fifty per cent capacity our industries can operate at full capacity, supplying commodities for the growing demands of the consuming public. A true economy of abundance will thus be established.

In the second speech my colleague will explain details of our plan and illustrate its operation.

First Negative, Irving Linkow  
University of Denver

LADIES AND GENTLEMEN: We of the Negative agree with the Affirmative in their usual definition of terms that by, "all the means of production," we mean all of the physical means of producing commodities, and the transportation and distribution systems handling these commodities, etc. By, "own and operate" we mean that the United States Government should have legal title to, and possession of, all the means of production, and should control and guide their operation.

We find that the Affirmative is proposing that the government own and operate all the means of production. This means that the government will have to take over and operate every oil well, every farm, every transportation system, every factory, etc. In other words the government will have to operate the whole of our economic life today. We find, furthermore, the

Affirmative pointing out the fact that one of the things wrong with our system today is the fact that there is a lack of co-ordination between the producer and the consumer in our present economic set-up. They propose the remedy through the medium of government control which is to be highly centralized. On the surface this would appear to be the solution since our main trouble seems to be in the distribution of goods. But let us look at this problem more closely.

If we admit that the government set-up would be superior, since it is to have complete control over our economic life, we must also admit that if the government should fail our whole economic system would be in jeopardy. Today we have 20,000 business men at the head of our economic machine. If a business man fails he is just one small cog in the whole set-up; his particular industry goes on without any serious damage being caused by this man's failure, but if the government should take over industry with its centralized control we can easily see what might happen if some slip took place. The government, for example, would have complete control of the steel industry. If something should go wrong and the government fail we would not have one part of the business failing as is the case today but the whole of the industry would be damaged. We see then that the situation under government control is quite different from the standpoint of what may happen in the event the government does fail.

Now, the Affirmative plan looks very good upon casual observation; it appears to be a way out—all we have to do is have a centralized body which will

co-ordinate our industry, do away with waste and equalize the supply and demand factors of our present economic system. However, we of the Negative have our doubts; we agree with the Affirmative that if the system would work it would be wonderful but we do not believe it will work for the following reasons:

First, Government is inefficient. It is inefficient because of: red tape; bureaucracy; political pull and intrigue. We know that even in the present government today there is evidence of the red tape I have listed. Take the words of ex-Senator Robert Moses who said in the *Saturday Evening Post* of October 12, 1935, "I know of a case in my government experience where repairs to tractors, plows and other mechanical equipment have been delayed for many weeks, awaiting approval of a requisition for parts. I am referring to ordinary government business and not to relief work. I have been supplied by arbitrary and ignorant central purchasing agents living at a distance, and with no knowledge of the problem. Material needed for one month does not turn up until three or four months later. Requisitions are lost in transit and travel crazily from one office to another." You can easily imagine what would happen if our whole economic life were subjected to such delay and bungling. We know that one of the factors that have made our private business so great today is the fact that they were efficient. If our whole system is to be under the control of the government, what chaos we would have if the above is a regular happening!

In Russia, recently, orders were sent for railroad

cars to haul coal from one of her principal mines, yet it was a full two months before the mine received its full quota of cars which enabled it to ship out its coal. This is not mere conjecture but an actual fact happening under conditions which would be analogous to the Affirmative plan if it were put into effect. You may say that this does not matter very much if we do have a bit of red tape, but permit me to draw an imaginary example for you so that you may see how disastrous delay of this kind may prove itself to be. Let us suppose the City of New York was forced to reconstruct a steel bridge which was one of its main arterial roads to the country. The government now being in charge would receive an order for steel beams for this bridge from the City of New York, but it is several weeks before the City receives its steel. The traffic from the country is cut off, the supply of milk is reduced and as a result the children of New York suffer from malnutrition. I believe this shows us how complex and interdependent is the system under which we live today and what disastrous results delay and red tape, which is characteristic of our government today, would occasion if they controlled virtually our entire economic life.

My next point is the fact that we have governmental bureaucracy today and that due to this factor alone the Affirmative plan would be doomed to failure. As I mentioned before, to be successful the Affirmative setup must be centralized and work with the utmost of efficiency; they must have co-operation and co-ordination. Let us look at the government today. The Department of the Interior has been instructing the farmer in the

latest methods of how to get maximum amounts of grain from his land while on the other hand the A.A.A. has been asking him to plow under every third row to reduce production. In other words here are two departments of the government doing just the opposite thing at the same time. It may be compared to an automobile chassis upon which are mounted two motors each pulling in the opposite direction; the net result is that the machine stands motionless. To you here in college, I know that you have heard of the N.Y.A. and many of you are under its mandate. Just recently one department of this branch of the government ordered several thousand copies of a test to be printed; the students were notified of the fact that they were to appear to take this test. A day later some other department of the same set-up issued orders to the effect that the test was not to be given: the result was that time, money and effort were wasted. It is not difficult to transpose this situation to the proposal of the Affirmative. And we can easily see what chaos would result if bureaucratic government should be given the opportunity to run our economic system.

My third reason why the Affirmative proposal will not work is that we would have political pull and intrigue at the very core of our entire economic life. You all know the old saying here in this country that "to the victor goes the spoils." That is the victorious party puts all of its men into office and favors men who are incompetent in preference to men who are competent but are unfortunate enough to belong to the other party. To show you what is actually happening

in the United States today in regard to political pull, I quote ex-Senator Robert Moses: "I know of a case where a foreman of laborers with planting and landscaping experience was required, and it was ordered that a disabled war veteran who had no experience in this particular line of work be appointed. His only experience was in concrete and aeroplane work. As a result, various species of plants were thoroughly mixed up and planted in the wrong location. And the time of this man and his assistants was wasted." This is common in many of the departments of our government today. Men are put in by political pull and graft, who are not efficient. Yet this is the very thing the Affirmative is proposing, a centralized control with bureaus to carry out its orders. Such a situation in control of our economic life would be ridiculous.

Because, then, of red tape, bureaucracy, political pull and intrigue, the Affirmative plan would make for the inevitable breakdown of our entire economic life, we maintain that the efficiency of our economic life must not be threatened by the Affirmative proposal.

Second Affirmative, Curtis R. Bybee  
University of Utah

LADIES AND GENTLEMEN: Mr. Linkow objects to the Affirmative proposal because of alleged governmental inefficiency—and he cites the traditional example of Russia as evidence of the predestined failure of our plan. May I point out that his analogy falls down in at least three important respects: first, the temper and

traditions of the American people are such that a communistic dictatorship could not be established here in the United States; second, American industry has passed its organizational period and has demonstrated its efficiency; and third, the gentlemen from Denver have attempted to catalogue our suggestion with that of Russia's without having any specific knowledge of our proposed plan.

To clear up any misconceptions and misunderstandings concerning the Affirmative proposal, I will devote the rest of my time to a detailed explanation of the advocated plan. To begin with, let us take Henry Ford as an example of how our plan would apply to large corporations. We propose that the government take over his business by levying a one hundred per cent tax on his holdings. Federal control of exports, imports and monetary exchange would prevent Ford from exporting cars to foreign countries with the intent of "milking" his business in order to pile up foreign credits, which he could use if he left the country. The government would, however, arrange for the continuance of legitimate foreign trade. In order to insure capable management, Ford and his fellow workers would be given appropriate salaries and left in charge of the business as long as they continued to administer it efficiently. When Ford or one of his workers retired, or was disabled, he would be given a pension which would be large enough to maintain the standard of living which had been made possible by his previous salary. When any one had to be replaced for any reason, his successor would be chosen under a civil

service merit system. An adequate allowance would be made for general intelligence and previous record of achievement in the selection of all employees, thereby eliminating favoritism and graft. The governing board of the entire automotive industry would be made up of practical business men and economists who would adjust production throughout the industry in such a way as to co-ordinate it with production on other lines, so that all workers, including Ford and other important executives, would receive in return for their services an equitable amount of the goods and services produced by other workers.

The taking over of large businesses with many small stockholders, for example the American Telephone and Telegraph Company, would be accomplished in the same manner. It should, however, be kept in mind: that, since every citizen would be assured of a respectable income, not only during his productive years, but also whenever he became incapacitated for work, individuals would not have to accumulate wealth in the form of stock investments to care for them during their old age, and for this same reason they would not be injured if the resources on which their stock or insurance policies were based were taken over by the government. The research activities of these companies would continue to make possible the development of new products and processes because the government would advance goods and services to inventors and scientists, on the assumption that in the aggregate, as is the case at the present time, these activities would pro-



duce more than their cost, measured in terms of human energy.

In taking over agriculture, we propose that the farmers who are now on farms, should continue to operate them, but on a salary basis, their salary to be determined by their efficiency, years of service, etc. And as rapidly as the mechanical details could be worked out, those farmers who had long records of successful production would be given supervisory powers over the less skilled workers. By this means, we will be assured of a practical farm administration with the government in a position to prevent the destruction of large areas of land by erosion and unwise cultivation.

Under a system of government ownership and control small, one-man concerns, would remain under their present operators who would be given bonuses to encourage them to continue to operate efficiently their unit of industry. As in the case of agriculture, successful managers of stores, restaurants, shine parlors, etc., would be given executive authority over less efficient men. Each general classification would, of course, be under the general direction of a central committee whose duty it would be to co-ordinate the work of their division with all the other fields of human activity. Women who spend part of their time caring for roomers or boarders would, of course, be paid a wage commensurate with the service rendered.

Finally, our plan provides for the control of personal and professional services in the following way: all professional men—lawyers, doctors, etc.—will be assigned by State Committees to appropriate duties in their

respective communities. Their salaries will naturally be adjusted to their skill and length of service. All essential services, such as medicine and law, will be socialized, but personal services such as those rendered by cooks, maids, etc., must be arranged for at government agencies, and paid for directly by the individual engaging them. A uniform rating system will make it possible for individuals engaged in such activities as cooking, gardening and the like, to receive a rate of pay proportionate to the service they are able to render.

May I summarize briefly the Affirmative plan: first, each individual will receive as salary a share of the total goods and services available, which is commensurate with the service which he renders to society. Money will, of course, be used just as it is now to facilitate the exchange of the items.

Second, each individual may choose the profession he wishes to follow, subject of course to his ability to qualify in that field, and he may choose the goods and services which he wishes to receive in exchange for the service rendered, subject, of course, to the natural limitations set by the value of his services to society. In the third place, an adequate percentage of the national production will be assigned to disabled and aged individuals, thereby insuring their economic security.

Fourth, every individual in the United States will be under the civil service and all promotions will be made on the basis of individual examination, ability and personal record, rather than on connections or "pull" with the executives, as is now the case in a vast number of private businesses. Edsel Ford, for example, under

our present system would still be heir apparent to a motor dynasty even though he showed only slightly above average intelligence and aptitude for the work. This would not be the case under government ownership.

Fifth, personal initiative is retained and created because the plan provides for graduated salaries and special bonuses, and does away with the present father to son system of business control, which destroys the initiative of young men who lack financially influential friends.

Sixth, all goods and services which can be produced will be distributed to the people, which is impossible under our present system.

The Affirmative plan meets every Negative argument. By providing that business leaders and economists of proved ability and efficiency should administer and co-ordinate all industry, we eliminate the red tape and slowness which the Negative alleges. In fact, by eliminating the needless duplication of effort in filing, cost accounting, etc., so characteristic of competing private businesses, we actually speed up industry and increase its efficiency. By providing a merit civil service system, we eliminate the possibilities of political graft and corruption. And the fact that under our plan the government's policy would more vitally affect the people, would cause the electorate to select better and more capable leaders. When their bread and butter is concerned, we feel that the voters will be stimulated to elect honest, efficient men.

In view of this detailed, specific plan which we have

presented, and the remarkable record of the government in its control over such activities as the Panama Canal, we of the Affirmative maintain that the substitution of the service motive for the profit motive will cure the many ills which my colleague has presented and that therefore "the United States Government should own and operate all the means of production."

Second Negative, William Ray  
University of Denver

LADIES AND GENTLEMEN: The entire Affirmative plan is before us and it would be well to scrutinize the essential features, the cogs and wheels, if you please, in this delicate watch which they have constructed.

We, of the Negative, have a basic philosophy as outlined by our first speaker. We admit capitalism has weaknesses but we feel these are due mainly to graft, politics and lack of leadership, and can be easily corrected by making slight modifications in our economic system.

Our philosophy is well presented by Gustav Stolper who says: "The decisive questions are whether individual freedom can exist apart from private property and freedom of consumption, and how highly one is to prize individual freedom. For even were capitalism incurably affected by all the evils ascribed to it by its opponents, it would still be a blessing to be defended to the last ditch if it were the only thinkable economic system under which individual freedom—freedom not only in the material sphere but freedom of thought,

speech and movement—could be assured, and if a socialistically planned economy precludes such freedom by nature and definition.”

According to the statement of the question, the government would own and operate all the means of production and thus seriously encroach upon our individual rights and freedom.

Now, as second Negative speaker, I shall attempt to show:

First, that the Affirmative proposal is impossible to put into effect.

Second (if time permits), even if the Affirmative plan were possible, it would introduce greater evils than the ones we are experiencing at present.

Let us consider the first point. Why is the Affirmative proposal impossible? It would involve a revolution. Why a revolution, you might say? Very well, let us visualize the Affirmative plan. It states that the government shall own and operate all the means of production—all the schools, mines, factories, farms, theaters, business offices and livestock. How would the government take over this set-up—by eminent domain, by taxation or by outright confiscation; the result is the same. According to Kirby Page there are some twenty million families in America who have businesses of one kind or another that they would fight for. The agricultural class—primarily individualists—would not sit idly by while the government was depriving them of their farms. Added to this we have that ever-present, “back to the Constitution” group of idealists who would resent infringements upon private rights and

freedom. Article V of the Constitution says, "nor shall any person be deprived of life, liberty, or property without due process of law; nor shall private property be taken for public use, without just compensation." Many of these idealists might conceivably take up arms in defense of the Constitution and the rights and privileges it guarantees.

For over two centuries America has believed in the rights of free private enterprises and private property. These ideals have permeated our society—into the thinking of factory-workers, miners, farmers, lawyers, doctors and teachers, and you cannot overthrow the work of centuries overnight.

There would be a long and bloody revolution. It wouldn't be a mild, "pink-tea" affair such as the Russian revolution in which a large laboring class smarting from centuries of tyranny, cruelty and despotism, rose up to smite down a tottering, decrepit and very weak aristocracy. We would have a war between two powerful groups with all the death-dealing weapons, and it is difficult to imagine the duration and results of such a war. It would be a savage, ruthless, destructive struggle and I defy any one to justify such a revolution.

For the moment, let us assume that the government has accomplished the impossible and taken over all the means of production. Now, even if this were possible, we maintain that the Affirmative proposal would bring many attendant undesirable results. In the first place the very nature of the question implies the destruction of many good features of capitalism. The government in owning and operating the means of production would

assume an absolute dictatorship. It would tell each individual what his function was, how long he could work, what he could produce and how much he would get paid. This would completely destroy the relative freedom we, as individuals, have enjoyed in the past. Then, too, the government would take over the press and superintend everything which appeared in our newspapers, thus destroying our freedom of the press. Our educational system would be in the hands of the government since education is a means of production. Now even the staunchest advocates of federal subsidies for education admit that education is efficient only because of its freedom and its sensitivity to local influences and needs. This would be eliminated and the government would teach in our schools and thus control the thoughts of the growing generations. This, of course, implies that the fundamentals of the Constitution would be "junked." No longer would we have freedom of life, liberty, property, pursuit of happiness, etc., but rather we would become a nation of robots—our hearts, our thoughts, our very souls in the hands of a bureaucratic despotism.

There would be a new capitalism, this time not one of individuals in search of profit but a capitalism of politicians who would run the industrial functions of our nation. If politicians are to control industry there is little doubt concerning the result. Politicians are elected for their ability to control votes and too frequently they know nothing about industry.

The complexity and multiplicity of function is another consideration which would doom the Affirmative

proposal. My colleague showed in detail how inefficient government was in one field of endeavor and under the Affirmative plan our entire industrial life would be in the hands of the government. The government would have to control and regulate the labor supply, the railroad lines, the amount of a product each farmer should raise, how much and what each factory would produce, and how long and for how much each laborer would work. If the government made a decision which failed it might doom an entire industry while under our present system there are over twenty million small business men each of whom makes his own decisions and they affect only his one enterprise. Think of the chaos and confusion which would follow in the wake of each government mistake and blunder. Heavens! Such a situation is too appalling even to be seriously considered.

Now to summarize briefly. The Negative has tried to establish:

- (1) That government is notoriously and notably inefficient.
- (2) That the Affirmative proposal is impossible.
- (3) That even if the Affirmative plan were possible it would introduce many new evils far worse than the ones which exist at present.

Since the Affirmative plan is impossible we are in much the same situation as the hen-pecked husband who debates the question as to who is master in his home, and that is definitely established. Or perhaps this question might be likened to a debate over the



advisability of a trip to the moon. Since we have no way of getting there this question is absurd. So it is with the proposition of the Affirmative, since the government cannot take over the means of production the suggestion is futile!

We of the Negative urge a sane, common sense consideration of this entire question. Compare capitalism with the other economic systems in this world. Ask yourself these questions: Are the people of Russia, Germany or Italy, as a whole, in a better situation than we are? Are we willing to sacrifice our individuality to accomplish such a reform? Would we like to adopt the ruthless features of these systems? Would we like to trade places with these countries? After considering these questions I am sure you will arrive at the conclusion that capitalism with its attendant weaknesses is far superior to communism, fascism and socialism and before we consider a new, radical, untried and unknown experiment we had better effect certain minor alterations, revisions and modifications in our own economic set-up which might remedy our present woes. For these reasons, we of the Negative maintain that the government should not own and operate all the means of production.

First Negative Rebuttal, Irving Linkow  
Denver University

LADIES AND GENTLEMEN: The entire Affirmative case is hypothecated upon the presumption that state socialism is the cure all for our economic ills. By pre-

senting a highly technical paper plan, the gentlemen from the University of Utah claim that the benefits of individual initiative and enterprise, which has made America the world leader she is today, can be preserved under the centralized industrial dictatorship which they propose. My colleague has shown you that such a vicious control means dictatorship over industry, press, and government—as witness Italy and Germany; in fact, their plan proposes to go even further than mere fascist control, and it is our opinion that the American people will not tolerate such a repudiation of their traditions and ideals.

Furthermore, it seems improbable that men would exert themselves under such a socialistic autocracy, assuming for the moment that it worked as Mr. Bybee pointed out, so that every one had a job and was paid a relatively high wage. This condition would tend to stultify men's ambition. Men would be so comfortable that they would no longer desire to rise above the common level and to create wealth which could be transmitted to their children. The motives which compel men under capitalism to invent new mechanisms, to create new industries, to raise their standard of living, would be greatly impaired under the Affirmative plan. In the words of Stuart Chase, if we had state socialism, Ford would still have his Model T and airplanes would still be "flying crates." The record of governmental control over the railroads during the war, over the mail a year ago, and the merchant marine by the United States Shipping Board demonstrates the lack of progressive, aggressive leadership under govern-

mental control. Furthermore, graft, corruption, and incompetence invariably characterize such projects. It seems inconceivable that the gentleman from Utah would wish to substitute a static, inefficient control over all industry for the present individual system which has given to the American people the leadership of the world in mechanical ingenuity, the highest standard of living, the greatest degree of personal freedom, to be found anywhere in the world.

My colleague has shown you that an attempt to adopt such a proposal would cause a bloody revolution—fighting of class against class, and that even if we could finally secure the adoption of the Affirmative plan, it would inevitably result in the destruction of our individual freedom and initiative. We urge modifications and changes in our present governmental and economic practice to cure the evils which the Affirmative has pointed out—these changes would provide for greater governmental supervision, but certainly not for governmental ownership and operation. We believe that the government has demonstrated its inefficiency, because red tape, bureaucracy and political machinations have been inextricably interwoven in all governmental enterprise. For these reasons, we hold that the question should be decided in the negative.

**First Affirmative Rebuttal, Howard Anderson**  
**University of Utah**

**FRIENDS:** The first objection raised by the Negative is that governmental control is inefficient, and as exam-

ples they have cited such war time emergency measures as the railroads and merchant marine. According to David Eastman, railroad co-ordinator, "In spite of organizational difficulties and wartime obstacles, the United States Government demonstrated that such industries as the railroads ought to be under constant government control." The very fact that they accomplished the purpose for which they were co-ordinated—namely, a rapid, efficient transportation of wartime supplies, proved governmental efficiency.

In alleging that our plan would destroy the initiative of American workers, our opponents have ignored the fact that we have provided a merit, civil service system whereby efficiency will be rewarded. The record of the civil service in American history shows it to be honest and efficient. No political scandal has ever been attached to the administration of such service departments as the Geological Survey, or Agricultural Experiment stations—and their work and discoveries show initiative, ability, and progressiveness. With all industry under an enlarged civil service, we believe that under the leadership of proved leaders in business administration, we can provide an honest, progressive control over industry.

The second Negative objection is that the adoption of our plan means revolution. In this connection, may I say that unless economic adjustments are made to feed and clothe ten million families, to give decent jobs with decent pay to twenty million industrial workers, to help the plight of eight million farmers, America will surely have a revolution, and in our opinion the vague,

indefinite reforms suggested by our opponents are inadequate to cure our present ills. We believe that the American people are still the governing force in the United States—and that through the ballot box, they can provide for this suggested change, without undue disruption of our economic and political machinery. The common people will, of course, welcome this plan and a large majority of the captains of industry would, we are sure, prefer to remain in this country where they will be assured positions of trust with appropriately high salaries, rather than start all over again in a foreign country, where economic and governmental stability are always questionable. It must be kept in mind, that since our plan is one of production for use, rather than for profit, that we will have available for distribution a much larger aggregate number of goods and services. So we can maintain the present high wage scale for all executives and still be able to increase greatly the distribution to our common laborers.

The last objection, that the proposed policy would introduce the even greater evils of governmental dictatorship is raised. I believe that since the people can still elect and remove officials under our plan and since the Supreme Court can still nullify unconstitutional grants of power to the chief executive, that the establishment of a dictatorship would be as impossible as is it today. In view of these facts, we believe that the Affirmative resolution should be adopted.

**Second Negative Rebuttal, William Ray**  
**Denver University**

LADIES AND GENTLEMEN: Mr. Anderson has challenged us to furnish a remedy for the alleged evils of capitalism. While we have no intention of offering a detailed plan for curing such evils, as maldistribution of wealth and unemployment, I believe that a greater governmental supervision of industry and economic planning is the solution we should seek. By these means the more potent abuses of economic powers could be eradicated by slight adjustments of wages and prices, without sacrificing the initiative and drive inherent in capitalism. And even if we had no alternative plan, we would still maintain that the evils which are inherent in socialism are worse than any of the evils ascribed to capitalism.

The Affirmative have told us that a civil service system would correct governmental inefficiency. Yet, under our present civil service, inefficient police officers retain their jobs and cannot be fired except for the most abnormal conduct. In guaranteeing men permanent tenure we make the eradication of inefficient individuals practically impossible. It is our opinion that civil service control over industry would introduce this same slovenly inefficiency into industrial management. Furthermore, the attempt to formulate an examination that would unerringly disclose potential Fords, Edisons and Schwabs, is as yet beyond the capacity of our best psychologists. Even the selection of proprietors for hot dog stands by the examination technique presents

almost insurmountable difficulties in properly evaluating a multitude of intelligence and personality traits.

Furthermore, the fact that the Affirmative believe that democratic government can exist under their advocated system brings several interesting questions to mind. It occurs to us, for example, that instability would mark our industrial order, for each succeeding administration would, in all probability, have different ideas about the proper steps to take for our welfare. Under our present system a change in administration results in comparatively little change in business procedure. However, in a system where every voter is a governmental employee the demagog who promised the most pay for the shortest number of hours would inevitably be elected.

Bryan would have given us a bimetallic monetary system as against McKinley's gold standard. Wilson would have us join the League of Nations and eliminate all tariff barriers. Hoover, you remember, tried to buy up the farmers' surplus, while Roosevelt has paid the farmers not to raise a surplus. Imagine the havoc that would be wrought if all industry was made responsive to every passing whim of each new administrator.

The Affirmative plan, moreover, would destroy initiative and progress—for men would not aggressively compete against each other with so much of the profit motive removed. The experience of the English with their dole system demonstrated that, when men become conditioned to receiving a stipulated sum weekly, they become lazy and stagnant. In much the same way, if the plan worked, the workers would soon become lazy

through overindulgence and the unstimulating permanence of tenure. If the plan did not work and the promised wholesale distribution of goods and service did not take place, then the people, discouraged and disillusioned, would be apt to turn to anarchy and revolution. In conclusion, allow me to summarize the two cases as they have been presented this afternoon. The Affirmative has shown us the evils of unemployment and lack of purchasing power which exist under the present system, and have advocated government ownership and control as the solution. We have pointed out that these evils may be eradicated by government supervision of private industry without destroying initiative and risking rebellion. The Affirmative, on the other hand, have failed adequately to establish the causal relationship between their evils and their plan. Furthermore, we have shown you that the entire philosophy of socialism is repugnant to American ideals and traditions, that the government has shown its inefficiency, whenever it has attempted to manage private industry, that the Affirmative plan is impossible because it would envelop industry in such a morass of red tape, political favoritism and bureaucracy that we could not longer maintain our position as the nation with the highest standard of living in the world. For these reasons the Negative holds that the Affirmative proposal should not be given your support.



Second Affirmative Rebuttal, Curtis Bybee  
University of Utah

FRIENDS: In the Negative summary, it was contended that we had not established a causal relationship between the evils presented by my colleague and the plan which I presented. In this connection, may I point out that Mr. Anderson established the existence of the specific evils of unemployment, underconsumption and maldistribution, which exist under, and because of, capitalism. You will recall that he specifically demonstrated, that since capitalism operates upon the profit motive, the continual replacement of men by machines in order to lower the costs of production is an inherent characteristic of the system because it assures an increase in temporary profits. He then went on to show you that such a policy inevitably leads to wide-spread technological unemployment and ultimately to economic depression.

The plan which I presented removes the cause of these vicious practices, because under governmental ownership and operation all the means of production will be operated for the benefit of consumers, rather than for greedy producers. When technological improvements are introduced, the hours of the men may be reduced, or as the returns of production become greater, their salaries (or share of the national income) would be increased accordingly. Since human wants are insatiable, it is our opinion that the total man power of the nation will always be needed to produce new cars, new books, new clothes, etc. Initiative and

progress would continue—for under civil service, merit will count—and not managerial “pull,” as is too often the case under our present system of private management. Since men will have a chance to succeed because of their own ability and record, our plan will result in a material increase in ambition shown by the masses of American workers who now realize that without family or influence they now have only one chance in a thousand to reach the top.

In answer to the Negative objection that every election would result in a change in economic program, we wish to point out that a continuous policy would go on regardless of changes in the figure-heads of departments. For example, under our present system, while postmaster-generals change, and postmasters in the larger cities are removed, the work still goes on relatively unchanged, with no decrease in efficiency, because the civil service men who do the work “carry on” regardless of changes in high executive positions. Furthermore, it must be kept in mind that our plan places even the high executives under civil service and so would eliminate this problem entirely.

Since the government would manufacture and distribute all the goods to all the people—the large portion—now allocated as “unearned increment” could be disposed of without endangering the future purchasing power of the people by building a top-heavy credit structure as is now the case. Thus, the people would receive back all the goods produced, and a sizable surplus would not be allowed to go on accumulating until it destroyed the market. Unemployment would be im-

possible because those workers who were not needed to satisfy the people's desire for, let us say, a particular food product, would be set to producing some other food product for which there was a demand. The time has come when the richest country in the world from the standpoint of resources should take steps to conserve and use those resources for the people's benefits. There is no valid reason why unemployment and poverty should exist in this country side by side with vast unused, wasting, man power and natural resources.

Throughout this entire debate, we have presented certain evils which exist today, and cured them. We have presented a detailed plan and have illustrated how it would operate in all fields of human endeavor. We have demonstrated that the benefits of individual freedom, initiative and progress would be enhanced under our plan.

The Negative admit the evils and offer the vague, unsupported alternative of governmental control and economic planning. After denouncing governmental inefficiency, they have turned to that government and have given it a partial control. It is our opinion, however, that effective governmental control and economic planning is impossible under our capitalistic system which is epitomized by competition. No sooner does the government succeed in curbing rapacious trade practices of one type than smart lawyers in the employ of their corporate masters find new ways to gouge new temporary profits from the consumers who use their products, or the laborers who produce them. The hundreds of clever evasions motivated by the desire for

exorbitant profit which developed during the short lived N.R.A. amply demonstrated the hapless inadequacy of any supervisory system. The government is always one jump behind the violators and chisellers who, protected as they are by enormous vested interests, literally thumb their noses at a patch work system of governmental regulation. For these reasons we believe that you should heartily approve the Affirmative proposal.

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UNITED STATES SUPPORT FOR  
LEAGUE SANCTIONS

*A Tournament Debate*





## UNITED STATES SUPPORT FOR LEAGUE SANCTIONS

### *WHEATON COLLEGE AFFIRMATIVE VS. ROSARY COLLEGE NEGATIVE*

The Italian-Abyssinian War brought to the front a question already agitated because of the Japanese policy in the Orient and the Grand Chaco war—the matter of sanctions as provided in the Covenant of the League of Nations for the prevention of war.

This debate was given in the Women's Division of the Tournament conducted by the Illinois Intercollegiate Debating Association at Normal, Illinois, on March 13-14, 1936. The debate was won by Wheaton College defending the Affirmative of the question.

The resolution was stated: *Resolved, That the United States should support the League of Nations in the application of sanctions provided for in the Covenant of the League.*

The speeches were contributed for publication by Professor C. L. Nystrom, Director of Debate at Wheaton College, Wheaton, Illinois, with the co-operation of Professor John Crawford, Director of Debate at Rosary College, River Forest, Illinois.

#### **First Affirmative, Grace Vanderpoel Wheaton College**

HONORABLE JUDGE: A debate on the advisability of studying Latin or the mental superiority of women over men involves no startling conclusions, but the problem out of which our present discussion has arisen is one which for several months has occupied the front pages of our newspapers. The entrance of Germany into the limelight has aroused even greater interest in the complicated affairs of Europe.

The word which holds the hope and fear of the world is "sanctions." To support or not to support sanctions, that is the question. By *support* we do not mean mild assent, nor do we mean action beyond the League; but we do mean active co-operation. Sanctions are defined by P. J. Noel Baker, Professor of International Relations at the University of London, as "common coercive measures, including especially a financial and economic boycott, against states which, in violation of the undertakings of the Covenant, resort to war."

The first thing the Affirmative must make clear is the goal for which we strive in advocating that our country support sanctions. That goal is twofold. Its most inclusive expression is world peace. And so we must consider this: Is the United States doing more toward world peace by a firm endeavor to stay completely out of the struggles of other countries, or will she do more by throwing her complete support on one side and so helping to end the struggle? The very fact that the great statesmen of the world disagree upon this issue presupposes that we cannot prove conclusively that the Affirmative is unquestionably right. The most we can do is to present what evidence there is, weigh the evidence of the Negative, and ask you to choose the one that offers a little more hope and a little more likelihood of bringing world peace.

However, world peace is so distant and discouraging a goal, especially at present, that we must discuss also another angle. How best can we guard the welfare of our own country? By which method can we preserve the trade of the United States and guard her people

from entry into another war? Is it by a desperate attempt at strict isolation, or a willing co-operation with the organized nations of the world? Throughout our discussion we ask you to keep both these goals in sight.

In the instance of a war between any two foreign countries, the United States faces two alternatives, that of attempting to remain neutral, and that of supporting the sanctions invoked by the League. There is no other course. My colleague, by reviewing our past history, examining our present circumstances, and discussing the likelihoods of the future, will show you the absolute impossibility of neutrality for the United States. We admit that there are disadvantages to sanctions, but there are also many advantages—our discussion will rest mainly on which are the greater—but we are certain that the only alternative to them, neutrality, is an impossibility.

Now, in the support of sanctions there are two courses open. We might join the League of Nations. Since it was the sanctions provision of Article XVI that was the main obstacle to our joining the League originally, it might be an advisable course. But the American people fear involvement in European tangles and political intrigues, and not without some foundation. Since we are not theorizing in this debate, but rather facing the problem from a practical viewpoint, since the League has become largely a European League, since there is risk of unnecessary involvement in joining, since we feel that public opinion is a real factor in deciding this issue, and since support of sanctions does

not at all necessitate our being in the League, we propose to follow the alternate course of supporting sanctions without joining.

The Affirmative is fully aware of the fact that that entails certain risks. It means supporting a policy which no vote of ours has helped to shape. But will you remember that we give the League no support until its members are agreed upon a policy and that it is almost impossible for all the major nations of the world to be agreed upon a wrong course. That, however, does not minimize the importance of this step since the assurance of our support will decidedly influence the agreement of other nations. Moreover, should the Negative accuse us of facing the future blindly by so pledging ourselves, we ask you if we are not obliged to face the future blindly in any event? The Affirmative feels that if taking some slight risk means a step toward world peace or a greater promise of keeping our own country in peace, is not the risk well worth taking?

A brief summary of the fundamentals upon which we rest our case will help to clear further discussion. We are convinced that the great threat to world peace today comes from the nations of Europe; that the only hope for peace is an organization of those nations to settle their problems and disputes without war, and that organization is the League of Nations; that until men's hearts are changed and they turn their swords into plowshares and love replaces hate, the only means which the League has for enforcing peace is the application of sanctions; that if sanctions fail, the League fails, leaving Europe open to war into which as my

colleague will show you, the United States will inevitably be drawn. We are further convinced that without the aid of the United States, sanctions will in most cases fail; with the United States they are very likely to succeed, and that, therefore, for the peace of the world and the safeguarding of her own welfare, the United States must support sanctions.

Upon that first statement, that the League today is a European League, and our only hope for world peace, we need not dwell at length. It is true that there is trouble between Japan and China, that there have been difficulties in South America, but will you not agree that the real danger to world peace is from such European countries as Germany, Russia and Italy? And will you not also agree that imperfect as the League of Nations is, and in spite of mistakes it may have made, it is the best that the great advocates of world peace have found it possible to offer, and that if the League fails there is little other hope?

That war in Europe would involve the United States can be intimated by one fact. Charles Hodges in his *Background of International Relations* says that the foreign trade of the United States is one-seventh of the total trade of the world.

The course remaining to us then is to support sanctions. And what will they accomplish? Sanctions effectively applied against an aggressor nation accomplish four things: 1—They render that nation unable to continue its war because of lack of fighting materials. 2—They cause a discouraging lack of food and money at home in the country of the aggressor.

3—They cause a permanent loss of trade to that nation without doing any great harm to those applying the sanctions who can substitute markets. 4—They weaken the morale of the one country which finds itself defying the whole world.

We are aware of the fact that there are three kinds of sanctions,—economic, financial and military. We are prepared to face military sanctions if necessary, even though you term them war. For, we are convinced that entrance into a short war brought quickly to an end by concerted action is far preferable to a vain endeavor to stay out of a war and ultimately to be drawn into a long war at terrible cost. But we believe that economic sanctions can be effective, and that war need never come at all. T. J. Wertenbaker, Chairman of the Department of American History at Princeton, says, "There have been few wars in which economic pressure has not been a vital or even a deciding factor. It was Lincoln's blockade which sapped the strength of the Confederacy; Great Britain's grip on the sea was all important in bringing Germany to her knees in 1918." To bring our evidence right up to the present time, it is interesting to note what William E. Leizelback, writing in *Current History* for January, 1936, says, "The effect of sanctions was sorely felt by all classes. Food prices rose during November, many articles being forty per cent above the law. According to a statement by the Department of Commerce, food-stuffs and household staples, such as coal, soap, textiles, and gasoline went from 115 to 135 lire a quintel despite an excellent harvest. Many factories were closing for

want of war materials and markets. In some cases capital was shifting into specialties or into war industries. Even where adjustments were possible, they involved serious hardships, and much temporary if not long-term unemployment."

That much sanctions have accomplished without the United States. But yet, Italy continues her war. And you are inclined to say, "Sanctions have failed in the one place they have been tried." Friends, as we have pointed out, they have not failed completely. And the reason they have not succeeded completely is the policy of the United States. On this point there is undeniable evidence. The *Nation* for January 1, 1936, says, "Nor can the United States escape blame. Despite the repeated warnings of the President and the Secretary of State, our exports to Italy of the 'sinews of war'—oil, copper, scrap steel, automobiles, tractors, and airplane engines—increased from \$18,000 in November, 1934, to \$584,000 in November, 1935—3100 per cent. Since the administration has taken the position that it has no responsibility to prevent American business men from aiding Mussolini, it is scarcely to be wondered at that Britain should doubt the League's ability to enforce an oil embargo against Italy. As long as Mussolini can obtain a full supply of essential raw materials from the United States, the League has no immediately powerful weapon except the threat of military action.—American public opinion is suspicious of the League because it has not yet found a substitute for armed coercion; yet the United States, by its failure to co-operate fully with the League, is threatening to ruin the most prom-



ising effort which has been made to work out such a substitute." Charles A. Beard, writing in a recent *Current History* quoted Secretary Hull as saying, "I repeat, our objective is to keep this country out of war," and adds, "Yet early in November, Secretary Roper had to report an enormous increase in the export of cotton, oil and other products to Italy."

Friends, the report of the experts on oil sanctions issued on February 12, clearly shows that the League could stop the Italian war within *one month* if it could secure the co-operation of the United States. The same committee ruled that unless the United States participated, the proposed extension of penalties upon Italy for its war in Ethiopia would fail.

We come then to this final conclusion. We are on the verge of a European war into which we will inevitably be drawn. Our one hope for peace is the League of Nations. Its one way of enforcing peace is sanctions. And without the United States sanctions fail. With the United States, they probably will succeed. What is your choice? In the words of an editorial in the *Nation* for January 8th: "The United States had inadvertently obstructed the efforts of the League to maintain peace, and unless it desires to be at least partly responsible for the collapse of western civilization, it must find some way to revise its policy."

First Negative, Lucille Ziener  
Rosary College

HONORABLE JUDGE: In so far as we of the Negative team are sincerely looking forward to the day when world peace will be firmly established, and are likewise keeping in mind the welfare of our own country, we seem to be in accord with the Affirmative team. But that is the extent of our agreement with them. We believe that in seeking these things our country should not co-operate with the League of Nations in the application of sanctions as provided for in the Covenant of the League. Such support, we contend, would not be beneficial, as the Affirmative would have you believe, but would in reality be detrimental not only to our own welfare, but also to the interests of world peace.

There are three main contentions on which the first Affirmative speaker seems to have based her speech: 1—That the League of Nations is the only hope for world peace. 2—That world peace can be achieved by the League only through the application of sanctions against an aggressor nation. 3—That sanctions will fail unless the United States co-operates.

Let us examine the first contention. Is it true that our only hope for peace today lies with the League of Nations? Let us take a look at this so-called citadel of world peace—this present-day Europe, the countries of which, as the Affirmative has said, comprise the League of Nations. Even the most casual observer cannot fail to notice that Europe under League guidance is in practically the same situation today as it was in 1913

when no League existed. To one who is aware that there exists a disarmament clause which is sworn to by all members of the League, it is rather disheartening to realize the well-established fact that there are today more peacetime armaments than ever before in the history of the world. Hatred and rivalry are just as rampant today as they were before the League ever came into being. And yet, the Affirmative would have you believe that this League is our only hope for peace, and that if it fails there is not hope at all!

Surely, the citizens of the United States are intelligent and independent enough to realize that under such circumstances as exist in Europe today our support of League activities would not only be futile, as far as peace is concerned, but would inevitably embroil us again in the cauldron of European hatreds and disputes. There seems to be some confusion in the mind of the first Affirmative speaker on this very point. In one breath she admits that joining the League would be unwise since the League has become largely a European League and since the American people fear—and not without some foundation—to take any risks which would involve them in foreign entanglements; and yet in the next breath, in spite of these very practical obstacles, she suggests that we should co-operate with this League without, however, having a voice. Before we can accept the suggestion of the Affirmative speaker we want to know just how we are going to co-operate with this League and at the same time avoid becoming involved in foreign intrigues and strife. That these entanglements exist, that each League member is a nation

first and a member of the League second, are well-known facts. We cannot so blithely—as the Affirmative has done—pass over the risks involved. We must have substantial proof for the assumptions of the Affirmative that the League is infallible—that “it is almost impossible for all the major nations of the world to agree upon a wrong course.” There seems to be some confusion in the mind of the first Affirmative speaker when she states that we would give the League no support until its members had agreed upon a policy of action—and yet she contends that such an agreement among members would be decidedly influenced by our support. How can we be sure that the support of the United States would influence agreement between the nations? Just how will our support influence the agreement of other nations if, as the Affirmative has stated, we sit passively by and withhold our support until this heterogeneous collection of nations with no international mind or idea of unanimity of action tries to agree on a plan of action? Supposing, however, that they did miraculously agree upon a plan of action, what assurance have we that in supporting that plan, as the Affirmative admit, without a vote, no matter what it may be, that such a plan would be infallible and would be to the best interests of every nation concerned including the United States? Yet, if the League’s decisions are so infallible, why does the Affirmative claim that it is unwise to join the League? We too agree that such action would be unwise, but we are at least consistent in our belief that not only is it unwise to join, but it is likewise to our detriment to

support the League which holds no hope for world peace.

The second contention upon which the first Affirmative has apparently based her case is that world peace can be achieved by the League only through the application of sanctions against an aggressor nation. With this contention we of the Negative heartily disagree, because we find that sanctions are unsound in principle and that they aggravate and perpetuate, instead of remove, the causes of war—they do not bring world peace. Even if sanctions could be effectively applied—which is extremely doubtful as my colleague will show you—the United States should not, by her support, become a party to an action which is wrong in principle. Sanctions are based on two false assumptions: 1—That penalties against an individual lawbreaker are always just. 2—That the punishments laid down by law are always effective.

In the first place let us see if penalties imposed against an individual lawbreaker are always just. The state has set up certain laws to which citizens must conform, and if they do not conform to these laws they will be punished. When accused of a crime there is a very definite process of law set in motion to prove the lawbreaker's innocence or guilt. Many factors must be taken into consideration, and many mistakes may be made in the decision rendered. Is it not still a moot question whether Hauptmann should have been electrocuted? Presuming that Hauptmann was not guilty, he was not the first innocent man to be unjustly accused and put to death. If a poor man with a family to sup-

port is driven to theft because he has been out of work for several years due to the depression, certainly his guilt is less than that of a greedy politician who deliberately steals public funds. Circumstances do indeed alter cases. And as for the punishment imposed upon lawbreakers, surely the effects of such punishment are anything but desirable if the recipients have been unjustly accused and punished. No matter what punishment may be dealt out, no matter how severe it may be, it will not convince a man that he was wrong if he has in his mind been unjustly accused. If he has not had a square deal from Society, if his background and environment were such as to cause him to be what he is, who is to say that this man is totally responsible for his crime?

This same injustice in determining the guilt of a lawbreaker, this same futility of punishment of the innocent is amplified a millionfold when we draw the analogy between the individual and the state, and the aggressor nation and the League. Is it not just as possible on an international scale for a group of nations such as the League to condemn unjustly an aggressor nation? How is the lawbreaker determined? Who is an aggressor? Is he the one who steps over the border first, or is he the one who fails to apply to the League first? The difficulty in determining the aggressor is well illustrated by the fact that the aggressor of the World War is still undetermined. In meting out punishment can we always be sure that it is just? What if the forces that compel a nation to aggress are due to selfish neglect on the part of the society of nations?

There are those who say that Italy was unjustly dealt with in the Treaty of Versailles by the allied nations when they refused to give her colonies which would serve as an outlet for her great population and as a source of raw materials with which to feed her people. If this be true, is her guilt as great as the League would have you believe when we consider that Italy has been nursing this injustice all these years and that the League of Nations refused to do anything about it? We of the Negative team cannot agree that the process of law on an international scale would be as simple as the Affirmative imply. Instead of dealing with an individual, the League would be dealing with a nation of individuals and certainly unless every one in the nation is guilty, the whole nation should not be punished for the crimes of a few, as would happen if sanctions were to be applied. You can't put a nation in jail.

How convinced do you think an unjustly accused nation would be that it was in the wrong when such a punishment as sanctions were placed upon it? How convinced is Germany that she deserved the punishment she received at the end of the World War? Just how convinced will Italy be? Instead of bringing peace, such punishment—based on the false assumptions that the guilty nation can easily be determined and that the punishment is just and will always be effective—will only aggravate the situation. It does not go to the roots of the trouble, it does not remove the causes of war, and thus is unsound in principle and in purpose.

Sanctions do not remove the causes of war. These

causes are generally recognized to be the need for more territory, food and raw materials, and the presence of age-old hatreds and entangling alliances. No matter how long or how hard sanctions are applied, they do not do away with these potent factors. When an organization such as the League, invested with the power—if it so wills—to meet these needs and to remove these hatreds and alliances, ignores them for selfish reasons and not only seeks to hinder, but to punish a nation when it tries to obtain the wherewithal for the life of its people, and also ignores its responsibility to remove alliances and to counteract age-old hatreds by constructive peace activities, we wonder at the effectiveness of this way to world peace. Not only does the application of sanctions fail to remove the causes of war, but even the threat of sanctions does not prevent a country from going to war. The application of moral sanctions to Japan did not stop Italy. The application of economic sanctions to Italy did not stop Germany from re-arming the Rhine. Common sense tells us that a nation anticipating the application of sanctions will stock up and increase its nationalistic forces to meet the emergency. Does this further the spirit of internationalism espoused by the League? And should the League be forced to resort to military sanctions and go to war, is it not true that a nation may be crushed but not convinced? The underlying causes of the struggle will not be destroyed, and even though the people may be starved into submission for the time being, they will rise up again, as Germany is doing, to a position where they will defy both economic and military sanctions.



As for the contention of the Affirmative team that neutrality is impossible and thus sanctions are the only alternative, let me say that it is not the purpose of the Negative team to present any counter plan. Therefore, we are not arguing neutrality. Our purpose is to tear down the Affirmative case for sanctions. This we do by disproving the three main contentions upon which the Affirmative arguments have been based. Thus we of the Negative maintain that the League does not hold out any hope for world peace, and that sanctions are unsound in principle and do not remove the fundamental causes of war, thus they could hardly be the means to effect a world peace. My colleague will show you that the co-operation of the United States will not make the application of sanctions successful.

Second Affirmative, Mary Troutman  
Wheaton College

HONORABLE JUDGE: My colleague has shown you in her position as first Affirmative the place which sanctions hold in the make-up of the League. We recognize that the League is the only existing organized instrument for world peace and that any united effort of the nations for peace will inevitably come through this organization. The Negative has refused to grant that in the League lies our only hope for peace but, in question, what evidence can they show that there is any other international organization that even has peace as its goal? We recognize that the League has weaknesses and imperfections, but it is the only organiza-

tion of a group of nations that is trying for peace. The force, the compelling power of this organization is sanctions.

The Negative have told us they do not wish to offer a counterplan and their position is a wise one in the face of circumstances. Consider the possible plans for any other action than co-operation with the League. The choice is given us to support or ignore the League. The Negative does not wish to support it so the only other path open is ignoring the League. And what is the time-honored policy of ignoring wars, nations, groups but neutrality? The Negative will doubtless again cry—but we offer no alternate—I will save them from the burden by showing you the impossibility of the only alternate to co-operation with the League, neutrality!

We recognize two kinds of neutrality; armed or protective neutrality and unarmed, the present administration's policy. Armed neutrality shows a disastrous record when applied. The War of 1812 was our first experience. Unwilling to give up our freedom of the seas we fought for our rights. Neutral to begin with but in the end—at war. And what was our stand in the World War but armed neutrality! A history professor in lecturing to his class brought out the fact that a policy of armed neutrality involved us in the War of 1812. A student asked, "That was the same policy adopted in 1914. Why hadn't we learned by experience?" Why hadn't we and why haven't we? James Truslow Adams in reviewing history has despaired of armed neutrality ever accomplishing anything but war!

The second type of neutrality is unarmed neutrality. We may base this upon the administrative policy. That policy provides that travel and trade are carried on at the individual's risk and an embargo placed on certain war implements and contrabands and a tightening up of credits. We shall consider isolation under this type also.

In the first place neutrality which forbids trade or allows a neutral trade cannot be true neutrality. Neutrality means impartiality. Isolation means drawing within ourselves and giving no aid or being a restraining influence to any party. Consider a hypothetical case—suppose Great Britain and Germany went to war and we adopted an unarmed neutral policy. England having the stronger navy could capture all our unprotected vessels bound for Germany with provisions and use the cargoes herself. England would reap all of Germany's trade and thus we aid England and hinder Germany. If we adopt isolation and refuse to trade with either we aid the smaller country. Our normal trade with Italy is far greater than with Ethiopia. So by stopping all trade with both countries we cut off one of Italy's main trade channels and injure Ethiopia little or none. These are not true neutrality stands.

This neutrality, as armed neutrality, will not accomplish its purpose to keep us out of war. For what could propaganda do with our rights trampled, lives lost, trade captured and the government sitting by? Let us suppose a European war did break out. Our manufacturers and even travelers maintained contact with foreign nations. Can you imagine what five hun-

dred lives lost as in the Lusitania, sunk by a belligerent, would mean to the press! You all realize that the citizens of the United States in 1914 wanted to stay out of war. Wilson was re-elected on the slogan, "He kept us out of war," with the supposition that he would continue the policy, but public opinion crystallized with the sinking of the Lusitania and we finally entered the war as protection. But you say that was armed neutrality! Yes, but the present administration has adopted an unarmed neutrality policy—travel and trade at your own risk—and still they feel the responsibility of protecting our very life. In the *New York Times*, January 16, 1936, we read: "The administration moved today to give countries notice that the United States would not waive any of its rights under international law, especially the freedom of the seas. The United States reserves and re-affirms its rights under international law." And truly what else could it do! What good would a neutrality policy do if the other nations knew that American ships were unprotected? Can't you see the British navy lined up on the three mile line sinking all ships leaving United States harbors? We want peace, yes, but by leaving United States commerce and travel unprotected we are merely inviting war! Public opinion is strong but it can be swayed by any infringement of rights, any call to protect the nation. Ray Stannard Baker in Volume V *Neutrality* says, "It seems inevitable that America with its vast trade cannot permanently remain neutral with Great Britain or any other belligerent in control of the seas." John W. Davis in his history, *The*

*United States*, says on American isolation, "Quite obviously the day has gone by if, indeed, it ever existed, when America could think of her interests and duties apart from those falling to her as a member of the community of nations." Science, telegraphy, faster and surer means of communication, commerce, finance has formed strong links in the band which is ever drawing us into closer contact with the world. James Garner, professor of international law at the University of Illinois, on November 30 said: "There is so little agreement on the rights of neutrals that nations which would like to remain neutral in the next war are very likely to be drawn into it in spite of themselves."

And if the propositions to stop all trade to avoid such trouble is considered what will happen to trade? In the first place how could all shipping from our many ports be stopped? How could isolation be enforced? But even if it were enforced and if manufacturers and traders were by any possibility to cease trade—what would be our interior situation? From the *Statesman's Year Book* for 1931 the following figures themselves depict the place the United States holds in relation to foreign countries: In 1929 our exports were five billion 373 million 456 thousand dollars and our imports four billion 291 million 888 thousand dollars or as a total of nine billion six million dollars of trade. What if we suddenly lost nine and one-half billion dollars in trade and put all those shippers and men who man the ships and leaders and engineers out of employment? You say we wouldn't lose all the trade. The next war which, when it comes will undoubtedly break out in

Europe, cannot but be a far reaching war. Asia, Africa, Europe and even America are so bound up in world-wide relations that what affects one affects another. A policy of isolation from one means from all nine and one-half billion dollars lost and unemployment, bankruptcy, factories shut down, no dividends, wages dropping. We may be self-sufficient as far as food goes but a financial shock to our country would cause undue suffering. From William T. Stone in *Foreign Policy Bulletin*, "Such abstention necessarily involves a sacrifice of foreign trade and commercial rights which will inevitably affect our internal economic situation."

The Negative will ask money then? Of course, if it were necessary, we could sacrifice greatly to keep out of a long war, but it isn't necessary to give up our economic prosperity. Support of the League would insure our trade, protect our citizens and foster world peace.

Neutrality, armed, leads to war. Unarmed neutrality will give rise to injustices upon the American people by foreign aggressors. Injustices call for protection, protection is armed neutrality—war! Isolation is not practically possible. With Senator Pope we hold neutrality to be an impossibility. "If we fear war, we must in our own selfish interests give a fair trial to the only method which offers an alternative."

Second Negative, Jean Wotell  
Rosary College

HONORABLE JUDGE: Despite the statement of the first Negative speaker that it is not the place of the Negative to present a counter plan, the last Affirmative speaker evidently has been trying to force us into the position of admitting the necessity for United States co-operation in the application of sanctions, by giving up her entire speech to a discussion of the impossibility of neutrality, the only alternate plan. We of the Negative are not presenting any plan nor are we defending neutrality. The question we are debating is not neutrality but the co-operation of the United States with the League of Nations in the application of sanctions. Surely, the Affirmative speakers must agree with us that that question alone has a sufficient number of problems to solve without going into a side debate on the relative impossibility of neutrality. If we can adequately settle the many conflicting arguments of our present question, then will be ample time to discuss other plans, including neutrality. But until then, we refuse to concern ourselves with the Affirmative's statements concerning neutrality.

Now, during the entire course of the debate, thus far, the Affirmative speakers have been assuming that the League of Nations is an organization of fifty-two nations presenting a united front in the interests of peace, that it is a stable, dependable body worthy and able to benefit by the co-operation of the United States. We citizens of the United States are fairly intelligent and

sympathetic—we are eager to promote general good, but above all we are practical, we look before we leap. And that is just what we shall do now. We shall scrutinize the League and see if it is capable of attaining world peace. Even the Affirmative speakers have admitted that it contains weaknesses and imperfections, but they say it is “the only organization trying for peace.” Has it peace for its prime object, I wonder, or is it really adopting that admirable aim as a front and using sanctions for a less worthy purpose?

It is interesting at least to note that the various nations termed “aggressors” today—Japan, Italy and Germany—are the same nations which were placed in humiliating positions as a result of the Versailles Treaty. At the time that the treaty was drawn up perhaps then there was some justification for the fact that certain nations, such as Great Britain and France, should profit at the expense of other countries. But when the Treaty was signed it was with the understanding that the so-called “vanquished” nations would gradually be allowed to resume positions of world power which they had occupied prior to the World War. They were to be allowed to re-arm and to possess territories and resources equal to their needs. However, many years have passed since then, and none of these promises have been fulfilled. Now the nations undisputedly exercising greatest influence in the League today are Great Britain and France—those nations which benefit greatly under the existing treaty conditions. They do not intend to relinquish their titles as the great world powers by allowing enterprising



countries like Italy and Germany to assume positions equal to their own. And yet these latter countries must have resources and land; they have every right to occupy their places "in the sun." Even the American Declaration of Independence asserts the right of peoples to revolt against an injustice. And yet, when Italy or Germany, realizing the futility of appeal to the League when it is controlled by opposing interests, go after what they deem rightfully their own,—the League shouts "aggressor" and applies sanctions. By perpetuating these deep-rooted injustices can it be said that the League is working for peace?

Moreover, has the League always acted in the interests of the common good? Has she always acted for peace? Several years ago when Japan first began her acts of aggression in Manchuria, the United States appealed to Great Britain to follow League principles and to apply economic sanctions since moral persuasion failed to stop the aggression. The answer was complete indifference—it was not to England's interests to interfere. And because of its attempts to see justice done, the United States gained the resentment of the Japanese, while the English were regarded as friends! The Chaco war was allowed to drag on for five years because no one was interested enough to interfere. But when Italy's actions began to menace English possessions in South Africa what a hue and cry was raised! Immediately all nations were summoned to apply sanctions against the "aggressor." But did the French agree and aid in making the blockade effective? They did not, and solely because France needs Italian

help for future struggles against Germany. Again, when Germany began to re-arm the Rhineland, did France think of League unity? She did not, but instead said, "Help me, or I withdraw from the League."

Do we have a dependable, internationally minded organization to deal with? Rather, we have an intensely nationalistic body, depending on the whimsical and voluntary actions of its members. Since the World War, each nation has been looking out for itself first in an attempt to better its post-war depression. Each nation has become nationalistic and capitalistic in the extreme. High tariffs and embargoes have been created with an eye to fostering these tendencies. Cut-throat competition is the rule. Why, even Switzerland, the home of the League, has allowed Germany to ship coal through to Italy, because a high price was paid. Betrayal of League principles can easily be effected in exchange for sufficient trade. And with such rampant nationalism, it is futile to think of the existence of that collective action which is absolutely essential for the attainment of peace.

Another obstacle to unanimity of action is the network of treaties binding groups of nations together against one another. Unexpected and secret alliances are constantly being formed. The ordinary public cannot know the number of negotiations undertaken by diplomats. Under such conditions, the possibility of the League presenting a united front in the face of important situations disappears. The friction created by actual alliances and even rumors of them is ruinous to international aims.

We have said before that the League is dependent upon voluntary acts of its members for support. It cannot promise that when it decides upon a certain policy there will be fifty-two nations agreeing to follow the set course. Now, we agree heartily with the Affirmative that there must be union before there can be success. Let us see the chance of union in an effective application of sanctions when the League can rely solely upon voluntary offerings of its members. Each nation has the right to decide separately whether or not it shall vote for the application of sanctions. Now, we know that headlines each day feature the changes in policy which world powers have made overnight. Witness the way France agreed to apply sanctions at first, but quickly refused when the question of oil sanctions was raised. Nations are constantly changing their minds as their vital interests are affected. The League can never be sure of solid support. No sooner does she seem to have all the countries in accord, than one retracts its promise and leaves a huge gap in the blockade which requires months of diplomatic effort to fill again.

Besides this perpetual uncertainty, each nation has the right to reserve embargoes of her major commodity. If an embargo is decided upon by the majority that affects her vital source of revenue, she may refuse to place an embargo on that product, while at the same time stopping the shipment of other objects not injurious to her trade. No nation is going to lose any trade if she can help it, so you may be assured that this privilege will be used to the greatest extent. How can a blockade be effective if participation in its activities

is going to be subject to the variable whims of nations, each refusing the embargo of different objects?

Surely if these difficulties are to be overcome there must be some board in the League possessing direct responsibility for member action. But instead of a central authority we find the responsibility being ceaselessly shunted back and forth between committees and boards, no *one* having definite power. We find the Committee of Thirteen to debate the advisability of oil sanctions, the Committee of Eight to discuss other types of sanctions, the Board of Twenty to judge which embargoes shall be applied by which nations—each group disclaiming any responsibility for any action and referring business to other groups. No matter where you seek, there is no central binding power to assure order and success.

One does not wonder at the seemingly unwarranted length of time it takes for the League to begin any action when one thinks of the administrative difficulties which this type of organization must face. Various nations demand recompense for their loss in trade due to the application of sanctions, and while the too numerous committees are arguing over the amounts which should be paid, and trying to coax other nations to apply sanctions, and to embargo similar products, the “aggressor” has obtained that which he sought—the war has finally ended—and the ponderous machinery has failed again.

Moreover, besides the almost insurmountable weaknesses within the League, there are powerful nations not included in the League which are able to make in-

effective any economic blockade. Germany, Japan, Austria, Hungary, Albania, Brazil and Argentina are not League members; and Switzerland, the home of the League, has been threatening to withdraw. The Affirmative speakers may say that these countries are not capable of exporting necessary materials, but profit is a great incentive to increased development of resources, and there are many countries in the League eager to gain profit by the simple method of re-selling. As long as the desire for gain remains strong in men's hearts, it will be impossible to achieve a successful economic blockade.

So we see that the League really is a body of nationalistic countries, bickering and constantly each seeking its own advantage to the exclusion of any other's—incapable of union because of conflicting interests and loyalties, and possessing no centrally responsible body. And we as practical people, wonder how United States co-operation with such a League will be helpful and desirable to us and to the interests of world peace.

Reviewing the debate as a whole, we see that the League works for peace only when a few great powers are each directly interested; and at other times shows a complete indifference to existing conditions; that sanctions are unsound in principle; and that the co-operation of the United States cannot make the application of sanctions effective because of almost insurmountable weaknesses within and outside of the League. Therefore, we believe it would be rash and unnecessary for the United States to co-operate with the League of Nations in the application of sanctions.

**First Negative Rebuttal, Lucille Ziener**  
**Rosary College**

HONORABLE JUDGE: During the debate, the Affirmative speakers have not attempted to refute our statement that sanctions are based on unsound principles. They have ignored this issue almost entirely and have spent their time discussing other aspects of the question, whereas we believe it futile to consider any more material problems until the one of principle and theory is settled. The people of the United States have had to struggle for their existence and their liberty. They have set up high ideals of justice and right, and to a great extent, they have upheld them. One of these traditional ideals is that no matter how well a scheme may work, it still should not be supported if it is unsound in principle. The American people do not want to be drawn into foreign conflicts when it is morally impossible to define the aggressor with certainty. They do not want to engage in any activity which merely perpetuates an injustice among nations by maintaining the *status quo* in Europe. They do not want to become a party to an international discipline which crushes and does not convince.

The Affirmative has accused us of theorizing. Yet, we realize that every truly successful institution which has stood the test of years was built upon a sound theoretical basis, and we consider imperative our demand for a sound theoretical basis for any program of world peace. In a fair discussion of our present question this theoretical basis cannot be ignored. What proof have

the Affirmative to offer that United States co-operation in the application of sanctions will assure success? We refuse to accept mere probability as sufficient evidence upon which to risk our money, our reputation and our lives in another European conflict. If fifty-two great nations of the world, with enormous resources and capabilities, with skilled statesmen and intelligent diplomats, cannot satisfactorily settle a problem involving themselves,—how can the co-operation of another nation aid in solving the gigantic problem? Rather, will it not be adding another group of intensely nationalistic people with different tendencies and interests to the present struggling nations? Will the United States be anything more than another piece of the jigsaw—adding to the tremendous confusion? Is it not the reasoning of idealists to say that, with the aid of United States, sudden peace and harmony will visit the troubled League? We of the Negative apparently have no monopoly on this business of theory.

**First Affirmative Rebuttal, Grace Vanderpoel  
Wheaton College**

HONORABLE JUDGE: The Negative has attacked our argument on the validity of sanctions from two points. First, sanctions will not foster world peace; second, sanctions do not remove the causes of war. Sanctions enforce peace by punishing a belligerent nation to show all nations that war has been deemed a breach of conduct. The Negative has theorized much on the unjust penalties and poor unfortunate masses. Let us stop

theorizing and recognize practical facts. The League is an organization to foster peace, a human organization, but nevertheless representing the nations of the world. During periods of calm the basic causes of war may be considered and good will fostered among men. This is the time and place for eliminating those great roots of evil in the world. When in the course of human events one nation becomes bold and transgresses fundamental laws laid down by this body then it is their duty so to penalize that nation, so punish them as to force them to stop the war. Any body which aims to outlaw an existing order must do so by force. Sanctions are the force of the League. The United States has aided the League in attempting to establish peace by sitting in their Council at times and giving them moral support on subjects such as disarmament and trade. With decisions they have made on these subjects we have agreed. Now we wish to have the United States take one more step and assure the nations that we are willing not only to aid in smoothing out situations, but if a nation rises up in rebellion we will put our force behind sanctions to outlaw war. The Negative is horrified at enforcing an action in which we have had no voice. The League feels for United States sentiment and if they knew we would help their "police" force we would be even more considered. And by staying out of every discussion we will be able to save our foreign department a lot of complication. Small matters not concerning this continent could be settled without worrying. Major situations threatening world peace would be handled in view of our co-



operation. A united assent is needed for action and if fifty-two nations can agree on a course of action we should not be suspicious of it. This policy which we wish to adopt of aiding in enforcing international law for our own selfish interests as well as world interests is wisest because it keeps us out of petty matters not relative to our nation and yet upholds our principles with the rest of the world—peace.

**Second Negative Rebuttal, Jean Wotell  
Rosary College**

HONORABLE JUDGE: During the course of the debate certain issues have been set forth by both the Affirmative and Negative teams, and perhaps now it would be profitable to see how these issues stand.

The Affirmative speakers have stated that the United States should co-operate with the League in the application of sanctions because the League is the only existing organization working for the interest of peace. We have shown you that it is an organization working for national interests, with peace a very secondary motive. Moreover, we have shown you that it is designed with the intent to perpetuate the causes of war—inequality among nations; and that it is fundamentally unsound.

The second Affirmative contention was that with the co-operation of the United States the League would be able to prevent war and establish peace. In examining that declaration, we found that the League was a body of independent nationalities, constantly making and breaking promises, giving and withdrawing support,

and, in fact, the only sure thing about the League was its whimsy and wavering attitude. We saw that this body possessed no central authority to force its members into a positive position, and that as it exists today, it is a thoroughly incapable organization which in its present condition could not possibly be made adequate by United States aid.

Now the Affirmative has demanded United States co-operation in the name of common good, but we believe it would be foolish and unjust to embroil ourselves in foreign conflicts merely to help and keep alive an organization which is basically unsound in principle and action.

The last Affirmative contention is the impossibility of neutrality, and we have already dismissed the practicability of that question in this debate. The last Affirmative speaker is very sanguine about our co-operation without a voice. She has said that if fifty-two nations agree on a course of action, we should not be suspicious of such action. True, if fifty-two nations agree and hold to a course of action there should be no cause for suspicion. But until there is some little possibility that such a thing might happen, we cannot see the feasibility of mute support—of being duped without any chance to argue a more practical decision. We of the Negative cannot see co-operation with the League in the application of sanctions as a safe investment. And speaking in the interests of the American people, we cannot agree to support an organization which does not know its collective mind and cannot count on union in itself. Such co-operation, we contend, would bring

inevitable disaster to the United States and would again leave us "holding the bag."

**Second Affirmative Rebuttal, Mary Troutman  
Wheaton College**

HONORABLE JUDGE: At the risk of quibbling, we close this debate by calling attention to the statement of the question once more. The first Negative speaker spent some time on the unsatisfactory history of the League, the dangers of co-operating with it, the nationalism within the League, and the second Negative speaker dwelt at length upon its failure to be consistent with its high ideal.

Such statements, however true they may be, do not invalidate the argument of the Affirmative. The Negative imply that because the League has failed to do in fifteen years what has never been done in all human history, that, therefore, we should cease to strive for the goal.

When our opponents accuse the League members of nationalism, they neglect to point out the far greater nationalism of a nation that does not even attempt co-operation. They have discussed the danger of entanglement should we support sanctions; they have refused even to consider fairly the far greater danger of attempted isolation ending in involvement in a war well under way.

The ladies of the Negative claim that the League is not sound in principle, since it furthers inequality among nations. In so doing, they have skimmed the

surface of the present situation. For, while there may be at present certain unsatisfactory treaties, the root principle of the League is to have equal representation of nations and prevention of "Might is Right." The fact that there has been abuse of power in the League does not change the soundness of its fundamental principle.

Through all their criticism of the weaknesses of the League, the Negative have completely omitted the good done by it along many lines; not once have they shown a weakness in its true goal of co-operation, nor have they even hinted at any method of improving it, but have spent their time ignoring the benefits and elaborating the drawbacks of the one suggestion we can offer, the co-operation of the United States.

But the greatest objection we have to the arguments of our opponents against the League is they are not included in our question, which considers only support of sanctions. Whether the League is right in principle, successful in history and desirable today is completely irrelevant, for by supporting sanctions, we do not set our seal upon the League in entirety. And we feel that we must point out the misinterpretation of the purpose of sanctions. We are told that they do not remove the causes of war, and we agree. They are not intended to. The Negative accuse us of saying that world peace can be achieved only through sanctions. We do not say that because it is not true. What we say is not that sanctions are a constructive means to peace, but that they are a necessary hindrance to an immediate threat of war. And it is to prevent immediate war by the neces-

sary means of force that we advocate the co-operation of the United States. For there can never be constructive action toward permanent peace if nations are permitted to settle their grievances, no matter how just (and some aggressors have had just grievances) by force! Pneumonia can be prevented by care, good food, sunshine, sleep; its destructive results can be repaired by similar means; but when the patient is desperately sick with a raging fever and a weakened heart, drastic medicine must be administered. And sanctions are not effective medicine without the co-operation of the major nations of the world.

The Negative fears that the aggressor may be chosen unjustly, but do they suggest that wars be undertaken at random whenever a nation has just cause for complaint? They bring up the lack of action in South America and China, ignoring the fact that the League had no real assurance of co-operation from the United States, the largest nation nearest to both these places. They hint at the inhumanity of sanctions to the innocent citizens at home, omitting from the discussion the prolonged and awful ravages of a general war. In bringing up the difficulties of determining the aggressor, they do not try to defend the United States for hindering action when the aggressor was clearly defined. We do not intend sanctions to convince a nation of wrong in its grievances, but in its attempt to settle them by force at any cost. And when the Negative claim that the threat of sanctions has been ineffective, we ask them to remember what country has done most to make them so—to remember how the League Commit-

tee, itself, stated that the United States could have made oil sanctions effective.

Finally, the Negative claim that co-operation on our part would leave us "holding the bag," embroil us in European turmoil. My colleague went to some trouble to show that the only alternative, neutrality, leads to the same result to a far greater degree, with no hope of doing good thereby. To that, the Negative answer nothing. They can point out disadvantages in sanctions; we have shown far greater ones in the only plan they can offer. Since they have not denied that sanctions do offer hope; and since the Negative offers us no hope, we of the Affirmative are firmly convinced that the United States should co-operate in the enforcement of League sanctions.

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THE JAPANESE POLICY IN ASIA  
*Hawaiian-Tour Debate*



## THE JAPANESE POLICY IN ASIA

### IOWA STATE COLLEGE AFFIRMATIVE VS. UNIVERSITY OF HAWAII NEGATIVE

Beginning in February, 1936, a group of debaters, accompanied by their debate director, Professor N. B. Beck, toured the United States from California to Maine and back again through the Northwest representing the University of Hawaii. They debated four or five different subjects, such as Curbing the Power of the Supreme Court, Hawaiian Statehood, and the Japanese Policy in Asia.

The debate given here is one held at Ames, Iowa, April 14th, with the Iowa State College debaters during the course of this tour. The speeches were collected and contributed to *Intercollegiate Debates* by Professor N. B. Beck of the University of Hawaii with the co-operation of Professor F. L. Whan, Director of Debate at Iowa State College.

The question discussed was stated: *Resolved, That the Japanese policy in Asia should be condemned.*

#### First Affirmative, LeRoy Harlow Iowa State College

GOOD EVENING, LADIES AND GENTLEMEN: To Mr. Hull and me this is one of the finest privileges we have had. We feel indeed honored to welcome officially, as we have personally, to our campus these gentlemen from the University of Hawaii. The question for discussion this evening is one with which they are very familiar, and we feel certain that through them we all shall gain a clearer and better understanding of the true problems of the Asiatic. Their tour, so far, has

been one filled with thrilling and interesting events. They have done everything, it seems, from talking with the President of the United States to getting caught in Maine floods. We hope sincerely that the remainder of their tour will prove as interesting and exciting as it has been thus far.

It is highly appropriate that tonight's discussion with the representatives of our westernmost outpost should be on the subject of Japan's Asiatic policy. The question formally stated is: "*Resolved, that Japan's Asiatic policy should be condemned.*" The meaning of the question is obvious, excepting the one term, "policy." Webster says that policy means a conduct of affairs, tactics, course, strategy or plan of action. In short, policy is not a goal to be attained, but rather it is the method of attaining that goal.

Now, just what has been Japan's policy in the Asiatic? Mr. Hull and I submit that her policy has been one of aggressive, militaristic imperialism. It began with war, it has continued through military action, and today it is still coercion by military force. And as we trace through the history of Japan's Asiatic policy tonight, I want you people to watch for the one dominant characteristic of her policy. That characteristic is the constant use of armed troops, of war, of intimidation and threats, backed by a vicious, military force.

Ladies and Gentlemen, it is common knowledge that the nations of the world are striving to abolish that hateful means of settling international disputes. Italy, for example, has been condemned for her aggression in

Africa. And why? Because the world realizes that aggressive warfare is unethical, that it is immoral, that it is wrong! But, you ask me, is Japan the only nation that practices such a policy? Is she the worst nation in the world? And I say to you that we are not attempting to show that Japan is the worst nation in the world. We feel just as discouraged as you do when, on the one hand, we hear of the failure of a disarmament conference, on the other the failure of a naval conference; and then of a Great Power, that has signed a solemn and sacred pledge never again to resort to aggressive war, breaking that pledge and marching her troops into the territory of a weaker nation. Yes, those happenings are discouraging and lead some to believe that world peace is impossible. But, did you ever stop to ask yourself why it is that world peace is moving forward so slowly? You know the answer as well as I do. It is because such nations as Japan practise a policy of aggression, a policy that is opposed to world peace. And because Japan's policy of imperialistic conquest of Asia is one opposed to world peace, we submit that her policy is unethical, unjustifiable, and should be condemned.

To be specific, what has been Japan's policy in the Asiatic? For convenience we'll break her policy into four parts. The first part is her violation of the territorial integrity of China, Russia and Germany by the use of force. We have here a map which shows Asia as it was in 1874, just 20 years after Admiral Perry opened up Japan's trade to the world. In 1875 we find Japan taking the maiden step in her aggressive policy.

In that year, at the point of the bayonet, she forced Russia to recognize the Japanese title to the Kurile Islands which you see running north of Japan. In 1895, at the close of the Chinese-Japanese War, Japan being victorious, we find her taking from China the Liaoutung Peninsula, the Pescadores Islands, and the island of Formosa. Formosa, as you can see for yourself, had always been a part of China. It is just off the coast of China, hundreds of miles from Japan. And then, to continue her devastation of Chinese Territory, Japan forced China to recognize the complete independence of Korea, a province that had always been a part of China proper. About this time Japan began to dream a dream. That dream grew to be a national obsession. Japan decided to build for herself one of the strongest armies and navies in the world. Her purpose was to find for herself a "place in the sun"; if need be to *make* for herself a place in the sun. She built a magnificent army and navy, and by virtue of her military strength was able decisively to defeat Russia in the Russo-Japanese War.

At the close of the war she took from Russia Sakhalin Island, from the 50th parallel south. She ousted the Russians from the Liaoutung Peninsula and south Manchuria. She took the important ports of Darien and Port Arthur. She forced Russia, as she had forced China, to recognize the complete independence of Korea. Ostensibly her purpose was to build up Korean trade. Actually she annexed Korea in 1910, just five years later. In 1915 Japan, realizing that Germany was busy with her affairs in Europe, snatched

from Germany the German concession of Kiaochow. Then she gobbled up the rest of the Shantung Peninsula. At the close of the World War, as a member of the League of Nations, Japan received a mandate over 623 islands of the Pacific, of value only as naval bases. She was given only a mandate over these islands (which we do not show on the map) but she failed to return them to the League when she withdrew from it in 1933. Those islands stretch almost to Hawaii.

In 1931 we find Japan sending thousands of her heavily armed troops into Manchuria and conquering that province. In 1932 you will remember those same troops drove down into the Jehol province and south of the Great Wall. In 1933 Japan again overran Jehol, drove on into the Chahar province, Peking and Tientsin (south of the Great Wall), and into Inner Mongolia. Today she is still driving on into the very heart of Asia. She is now exerting practical control over the province of Fukien, in south China. And that, Ladies and Gentlemen, has been the first part of Japan's aggressive Asiatic policy.

We have traced through graphically and chronologically her course. You can see how the map of Asia has changed radically before Japan's aggression. You can see how Japan today has virtual control of half of Asia. And as we followed her history could you help but notice the constant use of troops, armed force, military coercion, and particularly intimidation and threats backed by military force? In one word, aggression, pure and simple. For sixty years she has been the Italy of Asia. She has had a policy of gobbling up



what belongs to neighbor nations. We submit that such a policy should be condemned.

The second part of Japan's policy was her forcing China to sign agreements which were harmful to China. In 1915 Japan played her ace of aces. She realized that all of the Great Powers, excepting the United States, were engaged in the World War. She knew they were too busy with their affairs in Europe to interfere with her actions in the Asiatic. Consequently, she laid at the door of China the most humiliating demands ever put before a weaker nation by a stronger in modern times. Her express purpose was to establish a definite Japanese sphere of influence over Manchuria, eastern Mongolia, and the provinces of Shantung and Fukien in China proper. You can see by the map that she now has established that sphere of influence. But not only did she have a purpose, her demands were most abusive. Among the most insulting of her demands were, first, that China appoint Japanese advisors in political, financial, military affairs of China. Second, that China grant the right of land ownership to Japanese hospitals, churches, and schools. Third, that China admit Japanese police into the Chinese service in what Japan called "important places" in China. And fourth, that China buy all of her ammunition from Japan.

Think for a moment, Ladies and Gentlemen, what an intolerable situation that would be. Imagine, if you can, that our neighbor country, Mexico, south of us, has during the past fifteen years built up a powerful army and navy. Suppose little Mexico became so

powerful that she knew and we knew that she could whip us with ease. That is exactly what happened in the case of little Japan in the Orient. And suppose that as a result of her knowledge of her strength, Mexico lays on the steps of our capitol in Washington demands which say that in every bank, in every business, in every army post, in every town in the United States there shall be Mexican officials in strategic positions. That all over the United States shall be established Mexican schools, churches and hospitals; and in those schools shall be taught the doctrines of the Mexican government. Suppose that Mexico demands that in all our important cities (New York, Chicago, even Des Moines) Mexican soldiers shall be policing those cities. What an unlivable situation that would be! But if Mexico had the strength to enforce her demands, as Japan has the strength to do in Asia, what could we do about it? What could we do with a Mexican gun in our ribs and another at our heads? Ladies and Gentlemen, we would be forced to do as China has done—bow to the demands. But we would certainly condemn them. In fact, there might even be a few bandits in our country. And there we have the situation as it is in China today. China is too weak to make her protests effective. Because of her weakness, Japan has forced and is forcing agreements on China that are detrimental to her. That kind of a policy, Ladies and Gentlemen, is one which Mr. Hull and I submit should be condemned.

And then the third part of Japan's aggressive policy. The third part was her bombing of the city of Shang-

hai in 1931. The reason? You recall it! Chinese citizens had placed an economic boycott on Japanese goods. In other words, if we here in the United States should deem it wise to refuse to buy any more Japanese or Russian goods, then (according to the Japanese argument) Japan and Russia would be justified in bombing our cities and homes. No, they would not be justified! The only weapon of defense a weak nation has is the economic boycott. And we contend that no strong nation is justified in bombing the cities and homes of a weaker nation, merely because that weaker nation refuses to buy the goods of the stronger. We submit that this part of the aggressive policy of Japan should be condemned.

Finally, the fourth and probably the most insulting part of Japan's policy. It was the setting up on Chinese land the puppet state of Manchukuo, a state which Japan could control by merely pulling the strings. You recall that Japan, *the only nation to do so*, recognized Manchukuo as an independent nation in 1932. Her reason? The famous incident of September 18, 1931. That incident was the blowing up of about twenty feet—*twenty feet*, mind you—of the Japanese-controlled Southern Manchurian Railway by Chinese vandals. That incident, to the peace-loving Japanese people, was sufficient provocation for them to send 75,000 troops into Manchuria to conquer that province, to drive into the Jehol province, and finally to stop far south of the Great Wall. I shudder to think what Japan would deem proper if an American

thief broke into the Japanese consulate in the United States and stole a valuable piece of jade.

China protested this act as it was only natural she should. Both China and Japan were members of the League of Nations at the time—a League to which they had sworn they would bring their troubles. The League appointed a commission under the Earl of Lytton of England. After five months of investigation on the very ground where those acts were perpetrated, the commission recommended that Japan and China negotiate a treaty whereby Manchuria would come back under the sovereignty of China, where she rightfully belonged. And what did Japan do? She refused even to consider the proposal. In fact, she gave us one of the most splendid examples we have seen of a nation's desire to forward world peace, when on February 25, 1933, in a huff over the decision of the League, Japan stamped from the halls of the League of Nations. This last act had but one justification. That justification was the fact that the peace machinery of the world was interfering with the aggressive, imperialistic policy of the Japanese nation. In this fourth part of Japan's policy, then, we have the word of the League Commission, representing the nations of the world, that Japan was not justified in her attack on China.

And so we see, Ladies and Gentlemen, what has been Japan's policy in Asia. We have traced it through from its start, and we have seen it in its true light. It began with the violation of the territorial integrity of China, Russia and Germany through the use of force.

It continued with the enforcement upon China of agreements which were harmful to China, the bombing of Shanghai, and the setting up of the puppet state of Manchukuo by aggressive military action on Chinese territory—a policy which the nations of the world condemned. Her policy has been one of taking, bit by bit, parts of Asia, until today she has a deathgrip on the very heart of Asia. And all of this policy has been the use of aggressive warfare.

My time is nearly gone, Ladies and Gentlemen. Before I close, I want to say one more thing. If you people feel honestly and sincerely that an aggressive war is justifiable and right, then do not condemn Japan, for that has been her policy. But if you feel as Mr. Hull and I do, that the nations of the world should do everything within their power to bring the world nearer to the goal of world peace, of the settlement of international disputes by arbitration rather than aggressive warfare—if you agree that aggressive warfare holds us back from our goal—if you believe that international misunderstandings *should* be settled by peaceful means rather than the killing of human beings, then I ask that you agree with Mr. Hull and me. Japan's Asiatic policy should be condemned.

First Negative, Robert Taira  
University of Hawaii

LADIES AND GENTLEMEN: May I take this opportunity of extending you the friendship and Aloha of your fellow American citizens in Hawaii? Mr. Cass-

tevens and I assure you that Hawaii is not only the land of glamour and romance and hula maidens, but in addition has something in common with Iowa in that it is thoroughly Americanized. We trust that this first intercollegiate contest between our Universities will lead to still friendlier relations in the future. Aloha nui!

The Affirmative this evening has presented a very one-sided picture of Japan's foreign policy in Asia. In a carefully prepared history of Japan's actions in the Orient for the past fifty years, the first speaker of the opposition has assumed too narrow a viewpoint in this discussion. So let us not, too hastily, judge and condemn Japan for her foreign policy in Asia.

We from Hawaii are so situated in the Pacific as to be vitally concerned with events that occur in the Far East. My colleague and I have, therefore, given this proposal under debate careful consideration, and we are going to present, in the next hour or so, those facts which must be considered in justice to all parties referred to in this discussion.

It is unfortunate that the world should blindly accept accusations hurled at Japan, through failure to scrutinize the aspects vital to this discussion, and thereby misunderstand and condemn Japan. Let me point out, first of all, that Japan, like all other world powers, has gone through a stage of self-consciousness and self-assertion. Now, we all realize the great value of self-assertion, yet it is misconstrued. This holds ground especially in international relations where nations,

after years of separation, are thrown into mutual contact. Such a misunderstanding is indeed unfortunate.

Furthermore, there is also the lack of adequate consideration of Japan's peculiar internal and external conditions.

We of the Negative maintain that Japan is a victim of circumstance, that she has been forced by a set of circumstances beyond her control to adopt her present foreign policy in Asia. In the first place, she was faced with an economic situation that was so grave as to demand relief. Of course, you realize, Ladies and Gentlemen, that Japan has today a population of more than sixty-five million crowded into an area of only one hundred forty-eight thousand square miles, of which less than one third is under cultivation because of the mountainous character of the ground. The area of Japan is approximately that of the State of Montana, which supports less than six hundred thousand people. It is only half the size of Texas, yet supports more than eleven times the population of Texas. From this comparison, we can easily picture the tragic economic situation of a nation trying to support sixty-five million people on an island no larger than one of our states. It is no wonder that ninety-four per cent of the population lives on an income of less than twenty-eight dollars per month for each family. It is no wonder that millions of her people are unemployed and millions are on the verge of starvation.

Japan's concern, then, was that of a nation faced with a problem of over-population, a problem of unemployment resulting in untold suffering, and a problem

of securing a solution to alleviate such desperate conditions. Her sole salvation lay in the success of her efforts to change from an agrarian to a modern industrialized nation. Japan realized that only in this way could she cope with the needs of her large population.

But her efforts to industrialize met serious obstacles. She did not have sufficient raw materials for her industries and she had to look elsewhere for them. The cost of these necessary materials from foreign countries, however, was too high, and she had to do as other nations before her had done—find new territories to develop.

In addition, Japan was sorely in need of a market for her manufactured goods. Tariff walls set up by nations like the United States and Great Britain in their policy of economic nationalism destroyed foreign markets for Japanese goods. Economic nationalism, as you know, is the attempt of a nation to attain self-sufficiency so that she produces all important things she needs and is not dependent on other nations for her supplies. As a result, we have an international dilemma with nations throwing up tariff walls to prevent foreign goods from entering their boundaries, and restricting immigration of foreign peoples. The pursuance of such policies is all right for nations with vast natural resources—well equipped to provide for the needs of their people without aid from outside nations. But consider the effects of a world-wide policy of economic nationalism on Japan—a country completely lacking in natural resources, dependent upon foreign powers for her necessary raw materials, and dependent



upon a foreign market for the disposal of her manufactured goods. Her foreign markets were destroyed, her sources of raw materials and other necessities for continued industrialization were removed. Her immigration was restricted by every foreign country. Her manufactured goods were unable to find markets in foreign fields because of unduly high tariff barriers.

And so we see a nation, well on her way to relieving her suffering millions by her earnest efforts at industrialization, backed to the wall, the natural development of her industries defeated by the selfish and jealous policies of other nations. But her very life was at stake; Japan had to act!

It was natural, therefore, for Japan to look over across the China Sea to the vast natural resources of Manchuria, as yet undeveloped. Here was a rich country lying in complete ignorance of its tremendous economic possibilities. Here was a country allowing its millions to die, while it had the ability to provide for them. Certainly, then, it was to the advantage of both Japanese and Manchurians that the natural resources of Manchuria be developed with the aid of Japanese capital and under Japanese advice. After years of patience in vast, undeveloped Manchuria, Japanese interests there today amount to more than two and a half billions of dollars, and this wealth accrues directly or indirectly to the Manchurians themselves.

So, Ladies and Gentlemen, in view of the great need for relieving the serious internal conditions in Japan, and her thwarted efforts to industrialize because of

world-wide nationalistic policies, and because her development of Manchuria has proved to be mutually beneficial, we maintain that Japan's settled course of action in the Far East is justified.

There is another aspect of this discussion that needs comment. Japan is so situated off the coast of Asia as to be influenced tremendously by the turn of affairs on the continent. Consequently, Japan has been secure in her life only when there has been peace and quiet on the continent. Every grave situation in Asia has been reflected internally in domestic unrest and subsequently a more rigid Asiatic policy by Japan.

This is easy to understand when we consider the Japanese concern over her tremendous holdings in Manchuria, acquired under the open-door policy and without any aggressive motive, as our opponents would have you believe. Then, having acquired further interests as a result of the Russo-Japanese War, under legitimate conditions, and China having agreed to this transfer of railroad rights and mining subsidies, Japan therefore, was vitally interested in maintaining sound political conditions on the continent. Yet everybody knows of the many years of civil strife that marred and prevented a centralization and a stabilization of the Chinese government. Now, with no stable central government to deal with and no one agency upon whom to lay definite responsibility for bandit raids, sabotage and other such unfriendly activities, it became necessary for Japan to do something to protect her interests in Manchuria. She had tried on several occasions to have China settle matters herself, and although China

promised to check all unfriendly activities, she failed to carry out her promises either because she could not or because she did not care to do so. And so we see that when Japan aided in setting up the government of Manchukuo, she did not have the war-like purpose of territorial acquisition in Manchuria, but was merely interested in setting up a government with which she might have more sensible dealings. That was the only alternative open to her, and needless to say, she is carrying a helpful program of political and economic stabilization in Manchuria.

Add to this, Japan's fear of Communistic activities on the continent and of the Kuomintang pledged to free China of all foreign domination, and you can see, Ladies and Gentlemen, that Japan has ample grounds for acting as she did in Asia.

*Mahalo nui*—thank you very much.

Second Affirmative, Richard Hull  
Iowa State College

MR. CHAIRMAN, LADIES AND GENTLEMEN: I should like to say that I consider it a real privilege to meet debaters from the farthest westward portion of the United States, from a region even further west than California, and I'm told by some, a region which enjoys an even better climate than California. But more than that—I consider it a privilege to meet students of one of the finest institutions in the world, the University of Hawaii, known the entire earth over for its fine schools in foreign relations and political science.

I repeat that I consider it a privilege, but how much of a pleasure remains to be seen—our first opponent, Mr. Taira, seems to be exceedingly well-informed and his colleague is yet to come.

However, there are two or three points I should like to dispute. I realize that I'm a Middle-Westerner, provincial no doubt, and perhaps somewhat naïve, but this question sticks in my mind. I am moved by the same spirit that prompted Ellis Parker Butler to remark that "pigs is pigs." It seems to me that "stealing is stealing" regardless of all the polished diplomatic phrases that go to excuse it. I rather believe that however much friends of Japan may justify her policy they, as a general rule, will admit in the final analysis that she has "stolen" it.

Mr. Taira has told you that Japan wished to give China more civilization. The situation is peculiarly reminiscent of our own frontier days when the intrepid sons of the prairie used to maintain that "the only good Indian is a dead Indian." The Japanese today apparently seem to feel that "the only civilized Chinaman is a dead Chinaman." Somehow, we question the wisdom of that belief.

However, Ladies and Gentlemen, those things are not the things I want to debate this evening. Mr. Harlow has considered the ethical side of the question; he has demonstrated that Japan's policy of armed military aggression is morally wrong. But I want to say to you that if we should discount everything Mr. Harlow has said about the ethical side of the question—which we really can't, of course, and which I am in

no mood to do—if we *should* discount the ethical arguments against Japan's policy of military aggression in Asia, then the practical consideration would condemn it. The hard, cold economic facts, the *results* of such a policy from *Japan's* point of view—from the purely selfish standpoint of her own ultimate national advantage—are not in the long run beneficial. In the long run such a policy is not intelligent; it is not "smart"; it does not pay.

Let's consider for a few minutes several of the points which are commonly supposed to justify a policy of military imperialism; let us see if they really are valid arguments. There are four usually mentioned: first, armed military aggression for the purpose of securing the necessary raw materials; second, imperialism for the purpose of relieving population pressure; third, imperialism with the idea of securing markets; and finally—probably the most potent and least justified reason—the desire to secure "a place in the sun."

Now, how valid are these arguments, Ladies and Gentlemen? First of all consider aggression for the purpose of securing raw materials. Great Britain is an outstanding example of a nation which has acquired possessions for this reason. What has been the result? In Malaya, for instance, one of the greatest rubber producing areas in the world, Great Britain, instead of managing that area for her own absolute benefit, has had to come to terms with her principal consumer, the United States. At the first hint of monopoly practice Henry Ford and Goodrich started their own planta-

tions, a sufficient threat to break the monopoly and also the profit for Great Britain, the owner.

For raw materials, chiefly sugar cane, we obtained the Philippine Islands. During the period of American ownership they have cost the United States from five hundred to seven hundred million dollars—that is loss, mind you—loss which was borne by your people, the taxpayers. It was a venture which resulted in benefit to only a small minority, a few sugar manufacturers in California—yet you paid the bill. You see, that is always the result of military aggression for the sake of securing or attempting to secure raw materials by armed military aggression. Purchase in the long run is the safest and surest means. Look at our venture in Alaska—the most profitable bit of land the United States has ever secured. So you see past history proves that aggressive imperialism for the sake of raw materials does not pay—it isn't "smart."

What about the overpopulation argument? Look at Italy. Since 1880 Italy has been trying to obtain colonies in Africa, ostensibly for the purpose of relieving her population pressure. She fought in Tripoli; she acquired a goodly portion of Abyssinia. And then what—in 1914 at the outbreak of the World War, Italy could count in all her African colonies, only eight thousand Italians. Ladies and Gentlemen, there are more Italians than that in New York City alone. That was Italy's venture in military aggression to relieve an excess population. Did it pay?

Germany put up the same argument. She began a race for naval supremacy with Great Britain that fore-

shadowed the World War. She acquired, besides various islands, scattered throughout the world, some nine hundred thousand square miles of territory in Africa. In 1914, at the outbreak of the World War she could count only twenty-two thousand Germans in all of her African colonies, and only two thousand more in all of the islands. There are more Germans than that between Eightieth and Ninetieth streets in Manhattan. And that was the way German population pressure was relieved by armed military aggression.

Well, you say, what about Japan—isn't she crowded; doesn't she have to do something about her excess population? Perhaps her Asiatic policy is necessary. Is it? Look at these facts. In 1905 with this argument as one of the basic "justifications," she fought and won a war with Russia. That war cost the lives of three hundred thousand Japanese. In 1930, some twenty-five years after the war, she had moved into South Manchuria (the region she acquired in that war) only two hundred thousand people—less than the number which had been killed in winning the territory. And that, Ladies and Gentlemen, was Japan's first effort at relieving the population crowded island kingdom. Do you think that sort of a policy is intelligent? The history of three nations, who argued for and justified their imperialism on the grounds of overpopulation shows the fallacy of such argument. Citizens don't leave the mother country to dwell in colonial possessions. Rather, they emigrate to other civilized countries where opportunity is greater—or they stay home!

Certainly, the crowded population argument for aggressive imperialism is invalid.

Well, you say, what about this market argument? These little industrial nations have to have some place to sell their goods. Mr. Taira told you that Japan has been forced into industrialism—now she must sell her products, and to do that she must steal territory.

Ladies and Gentlemen, Great Britain grabbed India, thinking to procure the greatest cotton market in the world, a market of some three hundred and fifty million people. But who has that market today? Great Britain? No. Strangely enough, Japan has that market.

The Malay Peninsula is a British possession, but a Japanese market. Tanganyika, a former German possession, now British, counts ninety-nine per cent of its imported silk, not from Great Britain, but from Japan. Likewise in Kenya, a British possession, for every yard of British textiles imported there are six yards of textile material coming in from other countries. The same thing is true in Java and Sumatra, Dutch possessions. Other countries are getting the trade, not the Netherlands. Italy may get Ethiopia, at a tremendous cost, but some one else will get the trade. Trade does not follow the flag, especially when the flag is forced on the natives.

Even more important than the cost factor, the price of war in securing markets, is hatred, the price of conquest. Every year the United States spends millions of dollars in advertising simply for the purpose of creating good will which is the most important factor



in creating trade and in establishing markets. Japan, on the other hand, is setting out to establish markets by creating hatred—hardly the intelligent thing to do when profitable trade relations are wanted. Japan has tried it in Korea, which she annexed in 1910. Such ill-feeling has arisen here that she has had to forbid Korean merchants to expand their trade in order that her own merchants, Japanese traders, who have emigrated to Korea, may continue in business. That is the Korean good will which Japan has through military aggression. It doesn't pay! Ladies and Gentlemen, every intelligent business man knows that a nation doesn't secure either good will or profitable trade through the use of bayonets. Certainly the need of trade condemns, rather than justifies, aggressive militarism.

But the last argument is probably the most effective and the least valid of any that imperialists put forth—"we want a place in the sun." This is the outmoded nineteenth century phrase, the international equivalent of keeping up with the Joneses. We of the twentieth century like to believe we're hard and cold and intellectual—we scoff at the flag-waving arguments of the old imperialists. We read a statement like that of the late Senator O. H. Platt and laugh at it. Let me read you his statement. "Every expansion of territory has been in accordance with the irresistible law of growth. . . . We should rejoice that Providence has given us the opportunity to extend our territories, our population and our civilization into regions hitherto closed to us . . . rather than how we can thwart its

designs." Nowadays we think that sort of thing is rather absurd. These words do not justify military aggression for territory in our minds. They're just words.

Listens to lines from the poet, Kipling—from his famous "White Man's Burden," a bit of phraseology the Japanese are apparently copying as they play the rôle of policeman in Asia:

"Take up the White Man's burden,  
Send forth the best ye breed,  
Go bind your sons to exile  
To serve your captive's need . . .  
. . . To seek another's profit,  
And work another's gain."

That was the British reason for its attempts to secure a place in the sun.

Japan made the same kind of a statement—though, thank Heaven, she had the sense not to put it into poetry—when she left the League of Nations. Said Japan, "Our desire is to help China as far as lies within our power. We are sincere. This is a duty that we must assume whether we like it or not."

This is the hard, cold, reasonable, twentieth century, Ladies and Gentlemen. We can't afford those imperialistic emotionalisms today. If we fight, it has to pay in dollars, and it doesn't. Japan has only to look at history to see how profitable this argument for a place in the sun has been. Rome, greatest imperialistic nation of the world, was killed by the weight of her colonial ventures. Spain, once mistress of the world with her great New World empire, her colonies and

gold in North and South America, came to ruin by that same aggressive militaristic policy. Today she has left only a few scattered rocks along the African coast, rocks which will probably be French possessions very shortly. That was Spain's course of empire; it killed her. Japan has only to read history to trace her own ultimate course of ruin.

Ladies and Gentlemen, we're past the nineteenth century and its dreams of empire and a "place in the sun." We are beyond the days of Bismarck and Cæsar and Napoleon. We have to plan for our prosperity; we have to figure and budget and buy. The days of empire building and land-grabbing are over. We have to work, not steal our security.

So it is with these things in mind, I submit to you in conclusion that Japan's policy of armed military aggression in Asia should be condemned. Because ultimately, in the long run, it isn't smart; it will not pay.

Second Negative, J. Casstevens  
University of Hawaii

*Aloha nui, wahines, kanes and kakes:* Which, of course, means a very big hello to everyone. May I add my greetings to that of my colleague and express the sincere *aloha* of your fellow American citizens in *Hawaii Nei*. May we from the Islands thank our hosts for three things. In the first place, we were introduced as speakers from another American institution; thus establishing the fact that we are citizens of the United States and that our incorporated territory

is a part of this Union. Then, we wish to thank our hosts for their very effective display of hospitality. Finally, we are thankful for the opportunity to aid in the dissemination of information concerning the Far East.

Before continuing this discussion, we believe that it is necessary to define the word "condemnation" and its place in this discussion of fact. Is a storekeeper justified in opening a corner grocery if he will take business away from another merchandising unit? Are we justified in erecting tariff barriers against Mexico, when it is clear that by so doing we are hindering the progress of that nation? Are we justified if we were to force a backward nation to open her doors to commerce and to give her undeveloped resources to the world? We can see that condemnation must be understood. We, of the Negative, suggest that the word apply only when it can be shown that a nation—Japan—willingly and without cause used force to attain her ends, and that the result has been so detrimental to the territory as to outweigh the benefits to the world at large.

May I call your attention to a statement of the first Affirmative speaker to the effect that you should decide whether or not you feel as though an aggressive war is correct. If so, you will agree with the Negative and if not, the Affirmative will claim your sympathy. In the first place, may I suggest that one purpose of holding this discussion is to overcome pure prejudice and to inform you so that you may make additional decisions based in part on the material presented. Then, of course, your personal convictions can in no way add

to the Affirmative case as presented upon the platform. We respectfully submit that you withhold your decisions until the full case for Japan has been put before you.

Also, the wording of the question reminds me of the classic, "Have you stopped beating your wife?" An answer, due to the wording of the question will not allow impartiality. So, we can re-direct the discussion upon more logical grounds.

Mr. Hull, the second speaker, asked the Negative to consider hard cold facts, but he entirely overlooked the fact that Mr. Harlow employed poetry in his attempts to justify the first Affirmative speech. Then, applying hard cold facts in regard to the Twenty-one demands, we listened to a horrible story of Japan that wound up with Mexican soldiers in Iowa. If the gentleman had followed his logic to its obvious conclusions he would have arrived at a story relating the embarrassing experiences of one Japanese citizen attempting to surround six Chinese—the proportion of the two populations. But, applying some more hard facts, we find the gentleman failed to tell you the full story. And, it is that only four of the demands were effective and valid. The result of them was to continue the leases already held by Japan of the railroads and to guarantee equal economic rights to Japanese in China. Also, the gentleman demonstrates a forgivable lack of knowledge of the diplomacy of the Orient. Japan never hoped to get the total, but hoped that a median could be reached as a means of Oriental "dickering." However, the hard fact remains that the re-

sults were very minor and non-destructive of Chinese interests.

As regards the Shanghai Incident, may we quote the interpretation of the opposition for the word policy—"a planned course of action." The Japanese general acted entirely upon his own decision and without orders from Tokyo. He was demoted from his rank by the war board, and this mistake cannot be linked with any course of planned action. Therefore, by the right of the qualification of the Affirmative, the Shanghai Incident can be ruled outside of the discussion.

Then, you will recall that Japan was accused of tearing up treaties and sending troops into new territory with the result of acquisition. However, may I point out that this statement was entirely unsupported by any vestige of evidence. Consequently, in this discussion of hard fact, and poetry, we will have to place this assertion in its proper place as a personal opinion of the Affirmative speakers.

To return to the material which has been supported with evidence, we find that Japan was faced with the problem of attempting to industrialize. Japan was faced with extreme overpopulation and the problem of finding markets so as to compete with the industrialized nations. Japan was trying to buy raw materials so as to manufacture and place her population in factories. Now, when the great powers resorted to economic nationalism—tariff barriers—abolition of immigration—it was impossible for Japan to buy raw materials and pay for them with trading certificates. Therefore, she had to find markets and to industrialize.

According to the opposition, Japan should have asked the League of Nations to help her. Was the League suddenly to find a market that the nations had overlooked? Was the League suddenly going to point to new raw materials unknown to the world at large? Was the League supposed to snap its collective fingers and automatically lower tariff walls? Is it possible for the League, dominated by the Great Powers in the main, to render a verdict different from the national policies already established at home? Or, would the League merely reflect the separate national policies already destructive of the interests of Japan? The answer is that which has occurred to you.

Dr. Paul S. Bachman, eminent political scientist of the University of Hawaii, questions the validity of the report of the Lytton Commission investigating the activities of Japan in Manchuria. The commission, as you know, had as its chairman an Englishman. England shares with Japan the greatest investments in China. Therefore, even to the layman, England is a most interested party in China. While the report mainly is unfavorable to Japan, even the English recognized that Japan "had cause for complaint."

You may wonder why Japan didn't complain. But, to the credit of the Japanese government are the countless protests to the Chinese government. The United States has loudly heaped praise upon herself for her "Open Door" policies. Yet, when Japan attempts the same thing, she is roundly scored for her duplicity. This brings us to the second Negative contention that Japan was forced to use means to preserve her eco-

conomic stability. As Mr. Taira showed, Japan had to have markets and raw materials. We heard of the nationalism that closed the doors to Japan. Then, we know that China has shown an inability to bring to international commerce her great resources. She acquiesced to Japanese investments in the past. Great Britain, Russia, France and the United States have availed themselves of the wealth of China. But when Japan asks the same right, by some strange process of reasoning not commonly known, she suddenly finds herself the center of an international maelstrom of condemnation.

After eliminating the League as a debating society dominated by the economic enemies of Japan, she could only arbitrate with China. To understand this impossibility is to understand the hatred between the two peoples. China has never shown an aptitude to aid Japan even if the aid also is the advantage of China. Then, we are faced with the peculiar and medieval form or lack of form of the political science of the north continent. In the immediate vicinity of Shanghai the government maintains law and order. But, away from the center of the nation the war lords proclaim what order or lack of order they see fit. The Chinese Kuomintang either finds it impossible to prevent banditry, or it encourages such acts by refusing to send adequate troops to control the situation.

In the past decade, Japanese industries have lost millions of dollars as a result of banditry. In 1930 alone, the loss was over a million yen. When the local government failed to cope with the situation, some



one had to. Japan being interested was forced to create control. She couldn't send troops into China, but she could and did send troops into an independent nation. It is important to note that Japan had the right to keep railway guards in north China as a result of the Russo-Japanese War. Prior to 1930 this limited number of soldiers had managed to create some semblance of order along the railroad routes. This is partially made apparent through the advent of the 29,000,000 Chinese that moved from southern China to the north in the previous two decades. This fact establishes that Japan was aiding the Chinese and Manchukuoans as well as themselves; otherwise, the Chinese would have stayed where they were.

In attempting conciliation with the war lords of north China, the Japanese were continually finding themselves in very embarrassing positions. After a series of conferences that would result in definite agreements, Japan would be surprised to find that the chieftain had been "advised" that his bargain was not a wise one. As a means of further concessions for himself his soldiers would continue to harass the Japanese as of old. Years and years of this began to try even the patience of the Japanese.

Consequently, Japan was faced with the necessity of creating order and stabilizing the country. Japan needed the natural resources and the market she had created. Japan found it impossible just to forget the billions of yen invested in the regions. Therefore, she deemed it necessary to protect her "life line" in Manchuria and thus remain an industrial nation.

Now that we see that China did not maintain order—that China had not refused the investments made in the past—that such a condition of order and economic freedom was imperative for Japan's welfare, we can understand that for Japan the actions taken were necessary. The efforts to create stability and to suppress banditry were justified in the eyes of Japan. The question remaining is as to whether Japan is to be judged adversely by the rest of the world.

We maintain that she was—as a direct result of the nationalism practiced by the world of today. With every Great Power depriving Japan of the ability to trade and to obtain markets and raw materials, Japan was forced into action as a result. For example, if you make it impossible for an individual to buy food, how can you condemn that person for obtaining sustenance, or stealing, from the only source available? More authoritatively, I quote an American note of June 2, 1933: "Self-Defense. There is nothing in the American draft of an anti-war treaty which restricts or impairs in any way the right of self-defense. That right is inherent in every sovereign state and is implicit in every treaty." Using the standard as defined by the United States, Japan is exonerated from blame for protecting herself through her all important investments in China.

Can Great Britain indict Japan for her holdings in China? When Great Britain lowers her tariff walls—and relinquishes holdings in the Seven Seas—when Great Britain gives the British Isles back to the people from whom the Saxons took them, then, the English

people will find themselves competent to judge Japan. France can be embarrassed quite effectively, as can Germany. Then, how can the American people be certain of condemnation? May we point to only one incident. In 1898, the American government sent Senators to the Independent Republic of Hawaii asking the people to join the United States as a state in the Union so that the nation could utilize our harbors as coaling stations during the Spanish-American War. Then, after the Islands voted to join the Union, they have yet to find themselves a state with equal states rights. And, I seem to recall that several Indians lost their lives as well as their lands when they resented the advent of the *haoles*—whites.

Briefly reiterating the case of the Negative, we see that Japan has been forced to industrialize because of extreme industrialization of other nations. That the increased population of Japan with her limited area demanded industrialization. That to industrialize meant raw materials and markets. That the powers closed their markets and refused to allow Japan to obtain credit so as to buy raw materials, that China willingly accepted Japanese investments for a time, that China did not or could not quell banditry and sabotage. That the only recourse under all of the circumstances was for increased control in China. And that the only means possible were those employed. *Mahalo nui loa kako*—thank you very much, every one.

First Negative Rebuttal, Robert Taira  
University of Hawaii

LADIES AND GENTLEMEN: Through their presentation of a rather comprehensive history of Far Eastern affairs our opponents have attempted to leave with you one interpretation of Japan's actions during the past few decades. Now, in justice to all interested, there are additional facts that must be considered. The island of Japan, because of its location directly off the continent of Asia, can be very easily attacked by any hostile neighbor. Japan realized this long ago, and purely as a move in self-defense acquired through treaties and international agreements, recognized as legitimate under international law, islands to the north and to the south, and Korea (through annexation), and outposts on the Asiatic continent. It is the right of every nation to act in self-defense and that is all that Japan's policy has amounted to.

To continue the course of their arguments, our opponents have questioned whether Japan is doing the intelligent thing by this policy in Asia. They doubt whether Japan's efforts in Manchuria are going to be successful. They've pointed out the failure of the British to create a profitable foreign market in India because of native discontent and have attempted to draw a parallel between Manchuria and India. Now, let's get a bit of history into this discussion, and see how much value this comparison can be given.

In China there has always been a sharp division between the Manchus and the Mandarins of the north and

the Cantonese of the south. For years the Manchus of the north were in rule and south China was just a part of the Manchu Empire. Then, when the Manchus were overthrown during the time of Sun Yat-sen, the governmental seat shifted to the south, and for many years there were hosts of war lords, all claiming rights to the throne, and fighting each other—jeopardizing foreign investments. Today, the Kuomintang in southern China is in control, but the fact is evident that the people of north China have never politically placed their allegiance in the government and socially are very much an independent people. As a result, when Japan went over into Manchuria to aid in setting up a stable government, apart from the Nanking government, a descendant of the Manchu dynasty, Pu Yi, was placed on the throne, and to this day we have not heard of any riots or revolutions in Manchuria in opposition to Pu Yi and his followers. This means that eventually Japanese influence in Manchukuo is going to be rewarded by a vast foreign market composed of a friendly people and an almost unlimited source of raw materials. Japanese industries, and consequently the people, will thereby profit, and the Manchurians, too, because of a stable government and rapidly developing industries will benefit. Thus, we see that the Manchurians, unlike the natives of India, are a satisfied people, and that eventually the Japanese development of Manchukuo's vast natural resources will be to the advantage of both Manchukuoans and Japanese.

We have heard a great deal about Japan carrying out a course of action in the Far East that has been

characterized by military force and aggression—by intimidation and threat. Now, let us get into the heart of this discussion and analyze the reasons for Japan's policy in Asia and see whether the stand taken by the Affirmative is logical and justifiable. You will recall that in my constructive speech I emphasized the need of a rigid Japanese foreign policy in the Orient because her vast interests on the continent were jeopardized by the lack of a stable, responsible Chinese government. Banditry, sabotage and other such unfriendly activities were being carried on. To curb such activities, Japan appealed to the Chinese government, unstable as it was, repeatedly; but apparently China did not care to or was unable to cope with this serious condition. Under such circumstances, there was only one proper procedure to take, and that was to aid in the establishment of a government in Manchuria with whom she (Japan) could carry on responsible negotiations. The result was the present state of Manchukuo.

Moreover, as the Lytton Commission reported, Japan has cause for complaint. She had grounds for protesting to the Chinese government, and to the world at large. To understand the case for Japan more fully, let us refer to parallel examples in the history of our own nation. Our opponents have already pictured the idea of Mexicans running wild and overflowing this "poor, defenseless country of ours." Now, let us go back in history and have this situation reversed to be practical for a change. You will recall the bandit incident on the Mexican border—how our troops had to take it upon themselves to rout Mexican bandits, and

how they unfortunately overlooked the boundary line and began chasing Villa all over Mexico. Then, too, you certainly remember the time our government sent troops over into Nicaragua to protect our interests there. Now, the Japanese Asiatic policy is no different from what we have done in the past—especially with reference to the Monroe Doctrine. Just as we feel justified in looking after our interests and investments in the Latin American countries, Japan is correct in maintaining her present Far Eastern policy. Thus, we see that Japan is not pursuing a warlike, inhuman policy of aggression in Asia, but is merely interested in having a stable, responsible government upon whom she can safely lay the responsibility of protecting her billions of yen worth of investments in north China.

First Affirmative Rebuttal, Leroy F. Harlow  
Iowa State College

LADIES AND GENTLEMEN: The question for discussion this evening is, *Resolved, that Japan's Asiatic policy should be condemned.* Policy, as we have explained, is not the reason or purpose of an act but it is the method of performing that act, as I showed you in my first speech. In short, we're not condemning Japan for attempting to raise her standards of living. We are not asking that any people be forced to starve to death, as Mr. Casstevens would have us believe the Japanese are doing. On the other hand, we condemn the methods the Japanese are using to gain their ends. We agree that possibly their position is a difficult one, but their

methods of altering the situation are both unethical, as I pointed out, and impractical, as Mr. Hull showed you.

Let us run through the points our friends from Hawaii attempted to bring out. First, there is that question of excess population. Neither Mr. Hull nor I wants to attempt to explain Japan's erroneous belief in her method of meeting her population problem by citing the case of countries far removed from Japan. Rather, again I cite the case of Japan herself in Manchuria. As Mr. Hull pointed out in the twenty-five years from 1905 until 1930 when Japan had control of Manchuria, only two hundred thousand of her people emigrated to Manchuria. She lost more than that number, three hundred thousand, in her war to gain Manchuria. That is a means of solving the population problem, but not a wholly satisfactory one.

Then our friends make the statement that any nation may go into Manchuria and invest according to the amount they have to invest. No persons, they say, are being excluded from using the resources of Manchuria. I ask them to explain, then, the latest news report from Manchuria in Friday's paper, which informs us that a Chinese exclusion act has been passed in Manchuria. In short, any one who wishes may come into Manchuria, settle and invest there, except the Chinese, the people to whom Manchuria belongs.

The gentlemen go on to say that Japan is attempting to build up trade with the Chinese. This explains their policy in Asia. Their method of building up trade, by building up undying hatred among those with whom they wish to trade, seems a rather conflicting and



unprogressive policy. If she needs those markets why not gain them through peaceful means, as every other nation does? Mr. Hull has shown that trade gained from an imperialistic policy is a failure to any nation which tries it. And then, we ask, does she really need those markets in China? Her markets in Central and South America have in some instances tripled in the last five years. We wonder if she desires markets in China or if she has a great desire to be the lord and master of all Asia.

From the question of markets we find our friends going to the question of safety. The gentlemen have stated that China is overrun with bandits, native Chinese who are attempting to destroy Japanese progress in Manchuria. I want to remind you, Ladies and Gentlemen, that in our own country we were at one time overrun by "bandits" (only they were called rebels then). There was one man in particular who had a great price on his head as our greatest rebel. That price was placed there because that man attempted to prevent another nation from coming into our country and mistreating it. That rebel was George Washington. Is there any one of us here who believes that Washington, our greatest rebel, was a detriment to our country? That the English were in the right when they put a price on his head and attempted to suppress his actions? We say that many of the so-called "bandits" and "rebels" in Manchuria are justified in attempting to drive from their country the aggressive imperialistic Japanese.

And while we are on the subject of bandits I should

like to cite the opinion of a Chinese friend of mine on our campus. This gentleman, whom many of you know, gave me a view of the Chinese-Japanese situation which I had never seen before. He explained how, in the past twenty years or so there has been a great change in China. Where formerly she was a nation composed of five great provinces each with its own government and officials she is now growing into a unified country built around a strong national government. However, a great many of the former provincial leaders, disgruntled because they have been deprived of their provincial power in favor of the national government are attempting to resist the unification of China. And what does Japan do? She approaches these individuals with the consolation that "the national government has no business taking your rights from you. We'll give you arms so that you can gain back your rights." And that, Ladies and Gentlemen, is the policy used by Japan to build up a unified China. Her purpose, obviously, is to keep China in turmoil as long as she possibly can. We see that she is gaining nothing by it. But that sort of action must naturally follow her policy of imperialism.

And now to get back to the question. Mr. Hull and I still contend that nations should strive toward world peace. You people no longer settle your differences by shooting one another. The day of settling disputes in that manner is gone. Then, we ask you, why should nations settle their disputes by killing, wounding, destroying one another? And as a final word to you I suggest this: You wouldn't attempt to resuscitate a drown-

ing man by pouring more water into his lungs. Then why try to end war by making more war? Such a policy, and such is the policy of Japan, obviously cannot succeed. I therefore reiterate, that because Japan's policy in Asia is one that cannot possibly lead to world peace that policy of aggressive imperialism should be condemned.

Second Negative Rebuttal, J. Casstevens  
University of Hawaii

WAHINES AND KANES, LADIES AND GENTLEMEN: You will recall that the first Affirmative speech gave you a ripping history of the activities of Japan and the growth of the territory of that nation. Yet, wherein did Mr. Harlow show you that Japan was at fault? The mere growth of a nation is not in itself an evil or grounds for condemnation. Did Mr. Harlow attempt to show you that Japan should not have entered into the Sino-Japanese war? All we heard was that Japan won and acquired new land as an indirect result. Until the Affirmative shows that Japan should not have entered the conflict, and that having won she should not have asked indemnity in the form of independence of Korea, we are left with the only conclusion that our friends of the Affirmative cannot find grounds upon which to condemn Japan in this instance.

Did our friends of the Affirmative show us that Japan was wrong in entering the war on the side of the Allies? Was Japan wrong in accepting the German

islands as a result of arbitration following the war? Where does the logic of the Affirmative hold in this instance? Here by arbitration Japan acquired former German islands, and still the Affirmative is not satisfied. Following the suggestion of the opposition, Japan still finds herself indicted by our friends from Iowa State.

Then, came an attempt to show you that only purchased lands are valuable, and that as a result, every nation should purchase territory. But, the fallacy in this argument is that our friends could only point to Alaska as visible proof of the contention. The mere fact that Alaska contained invaluable gold deposits does not shake the faith of the Affirmative. Yet, Iowa was taken from the Indians. Would the gentlemen maintain that the action was unprofitable simply because the United States failed to arbitrate with the marauding Indians and renegades? Just a very cursory examination disproves conclusively that the magic word purchase has little relation to the value of lands acquired.

Then Mr. Harlow has made much of the fact that Japan has used force in her wars. I might ask them what means is usually utilized by nations attempting to fight wars? Already, I have made most clear that arbitration with China was impossible because of the unsettled condition of the country and the unwillingness of China to co-operate. Then, you can see the value of asking Great Britain and Russia through the League to aid Japan to their detriment. So what else could Japan do but use force in protecting her economic investments?

What has been right for the United States? When we found unrest in Cuba damaging our sugar interests, we killed quite a number of Spaniards in the resultant war. Armed force was satisfactory for our nation. When we failed to buy Panama for our price, we instigated a revolt and bought the land from the Panama government, which we set up much in the same fashion as was Manchukuo. For all the territory we have acquired by armed force, about nineteen-twentieths of our land, do we have a national "I hate myself week"? Or, do we consider that we needed the lands for our civilization, and that by taking them we offered their resources to the world—to its economic elevation? If the gentlemen attempt to counter that this discussion excludes all discussion of nations except Japan, we ask him why he has spent half of his constructive argument trying to show that England has not profited as much as she figured in some of her ventures. Then, we would like to know how they can justify setting up a separate meaning of the word that applies only to Japan. How can they deny the means to Japan that placed Iowa within the Union?

We find that it is necessary to return to the suggestion of the Negative that condemnation be considered only when it can be shown that Japan used armed force when she could have arbitrated, and that the results have been detrimental both to the territory and the world. The Affirmative have the responsibility of proof. Yet, they have failed entirely to show you how Japan could have arbitrated and obtained beneficial results from the partial League. Have they shown that

China was willing to arbitrate so that Japan could enjoy equal rights in China? We see that the absence of proof upon the part of the Affirmative declares that there is little evidence by which to condemn Japan.

Yet, we of the Negative have shown you that the Affirmative case waives the Shanghai Incident. We have shown you that the world closed the trade doors to Japan so that she couldn't obtain raw materials. We have pointed to the dense population requiring industrialization for maintenance. We have shown you that China couldn't or wouldn't maintain order and peace in various sections of the country, and that Japan was the only agency that was interested in so doing. We have pointed out that Japan repeatedly has asked China to quell the banditry and sabotage. In short, the world forced Japan to find markets and raw materials. China materially hindered the progress of Japanese investments in China. We have shown you that the only recourse Japan had was to demand protection of her economic "life line."

Then as a natural course of economics, the industry in north China and Korea has aided the Chinese and Manchukuoans as well as the Japanese. When 29,000,000 Chinese move to north China to avail themselves of the increased industry and wealth, we need no further proof for this contention. And we have pointed out, the other nations cannot condemn Japan for doing exactly what they have done.

*Mahalo nui and aloha nui loa kako.* We have enjoyed our visit and hope to have the pleasure of entertaining some of you in Hawaii.

Second Affirmative Rebuttal, Richard Hull  
Iowa State College

MR. CHAIRMAN, LADIES AND GENTLEMEN: You can settle back in your chairs now and prepare for a two-hour speech. I feel in the mood for a lengthy rebuttal. For so many things have been said by the gentlemen from Hawaii that need righting that I should be allowed more time in which to right them.

In the first place, Mr. Casstevens very cleverly "laughed off" Mr. Harlow's remark about our greatest bandit, George Washington. He seems to feel that George Washington was the father of our country and that nothing should be said against him. That is quite true. But have you ever stopped to realize that the father of every country was considered a bandit or a black revolutionist in his day by those opposed to him? There was a price on Washington's head, just as there has been a price on the head of Mexican, Chinese and other rebels. The Boxer uprising was started by a well-educated Chinese nobleman who resented the sale by the Chinese Empress of the wealth of China to foreign interests. Had he won his fight, he, too, would have been the Father of his Country.

Mr. Casstevens has twice mentioned the terrific sum which Chinese bandits extort from the patient Japanese, one million dollars. And he argues that since Chinese authorities do not stop all banditry, Japan should have the right to seize China. In this country Mr. J. Edgar Hoover tells us bandits (which are called criminals by most people) extort a sum of four billion

dollars a year from Mr. General Public. Does that mean that our government is a failure, and that Great Britain should conquer this country because some of her citizens have stock in some of our railroads and factories which the criminals loot? It seems to me that Mr. Casstevens' argument is typical of the Japanese argument in its weakness.

And I wonder if we can blame the Chinese for turning bandit? Somehow I feel—though possibly here in the Middle West we don't know—that it is somewhat like the case of the man who forced himself into the home of his neighbor, plopped himself down in front of the radio, and when disturbed by the noise of the children who lived in the house, complained to the owner and father that the children must be kept quiet, or else! Should Japan, because she claims she "needs" more land, trade and raw materials, attempt to conquer the United States, I am quite certain that a number of us here tonight would become bandits—and in the country there would be even more than in Japan—one hundred and thirty million bandits!

Mr. Casstevens agrees with us that the Japanese colonies are not exactly gold mines, but argues that because they have been immediately beneficial they are justified. Colonizing on that basis by military aggression is like killing the goose that laid the golden egg, as Rome, Spain and many other nations ultimately found out. Certainly, peaceful countries, which extend their trade through good will as have Switzerland and the Netherlands of recent years, are more apt to discover



themselves on a sound trade basis than are those nations which continue to use force.

We are also told that Japan is justified because she has millions of citizens who must be fed through industrial expansion, rather than through agriculture. As Mr. Taira outlined Japan's needs, I couldn't help but believe that the United States offers Japan the best solution to her problem. We have the purchasing power he spoke of. We are much less densely populated than the Chinese. We have the raw materials Japan needs. Therefore, this need proves that Japan is justified in waging an aggressive war against the United States. When we bring this argument a bit nearer home the fallacy of the conclusion is apparent. Would Mr. Casstevens agree that Japan's need justifies her in stealing Hawaii? Again, it seems to me, an engineer, that creating industries is the work of the slide rule instead of the bayonet.

The gentlemen have justified Japan by likening her action to our own action in Panama and elsewhere. But that does not justify the action. For the action of this country in many of those instances is just as much to be condemned as is Italy today. Likening a thief to a thief does not justify the thief.

Ladies and Gentlemen, tonight the Negative have repeatedly based their defense of Japan on two arguments. First that of the need of Japan for more of this or that. We have repeatedly shown that need does not justify stealing and killing. And we have gone further to show that Japan was going about solving that need in an unwise way. We have only to remem-

ber the report of the United States Tariff Commission in 1922 which points out, "Despite our dependence on the tropics for raw materials (and by "our" the commission meant the whole world), four-fifths of the world trade is between *independent*, civilized states of the world," and not between colonies and the mother country.

Secondly, the gentlemen have repeatedly argued that the pressure of internal population forces Japan to aggression. Let me in closing quote a few figures which will shed some light on peace and war as related to overpopulation. Japan has a population of three hundred and three people per square mile, so she dreams empire and makes war. Holland, the unperturbable little Netherlands, has a population of six hundred and sixty-six people per square mile and yet she is the most peaceful nation in the world, and has long been recognized as such. Which practice will you choose, Ladies and Gentlemen, the peaceful practice of Holland, or the warlike method of Japan? Certainly, there is no validity to the argument of population pressure *forcing* a nation to acts of depravity.

I should like to repeat that I have considered it a real privilege and pleasure to debate these gentlemen from Hawaii. I don't know any Hawaiian, so I'll just use the American equivalent—"happy landings."

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COMPULSORY RESERVE OFFICERS  
TRAINING CORPS

*Audience Decision Debate*



## COMPULSORY RESERVE OFFICERS TRAINING CORPS

### *LAKE FOREST COLLEGE AFFIRMATIVE VS. MARQUETTE UNIVERSITY NEGATIVE*

On Washington's Birthday, 1936, before an audience at the U. S. Grant Social Center, Marquette University and Lake Forest College engaged in a verbal battle on the value of compulsory Reserve Officers Training Corps. Lake Forest upheld the Affirmative and Marquette the Negative. The exact wording of the question is as follows: *Resolved, That all the colleges and universities of higher learning in the United States should adopt a system of compulsory R.O.T.C. training.*

An audience decision was taken after the debate and was cast in favor of the Negative upheld by Marquette. Dr. Wm. M. Lamers, Director of the School of Speech of Marquette University, is directly responsible for the contribution. Prof. R. A. Tomlinson of Lake Forest College also aided in the gathering of the manuscripts. The chairman of the debate was Mr. Robert R. Veenendaal.

#### **First Affirmative, Harlan McClung Lake Forest College**

LADIES AND GENTLEMEN: The question which we are debating tonight is "*Resolved: That all colleges and universities of higher learning in the United States should adopt a system of compulsory R.O.T.C. training.*" R.O.T.C., as you know, stands for Reserve Officers Training Corps.

We, the Affirmative, are upholding this question as stated. We are basing our case on three clear, simple



points: first, that R.O.T.C. training should be compulsory in all colleges and universities because of the advantages which it gives the individual students taking it; second, because of the advantages which it gives the nation and society in general; and third, R.O.T.C. training should be compulsory in order to insure these benefits for the individual and for society.

As first speaker for the Affirmative, I shall show you something of the history of the R.O.T.C. question, the advantages which it gives the individual, and why it should be compulsory. In completing the Affirmative case, my colleague will show you the advantages of R.O.T.C. to the nation and to society.

The history of the question goes back to the Land Grant Act of 1862, which specifically provided that military training, or R.O.T.C. training, should be included as a compulsory part of the curriculum of all State universities. From that time, many students received the advantages of this training. Then came the great World War. It is needless to say that the reserve of trained material which had been provided by this means of compulsory R.O.T.C. training was of great value to our nation when it entered the war. Indeed, the value of such training was so widely recognized that the National Defense Act of 1920 was passed. This act provided that all colleges and universities desiring R.O.T.C. units should be equipped at the expense of the national government. To show the growth in R.O.T.C. which has come as a result of this act, I will compare the war years with a survey made in 1931: there were 115 institutions having units, with

a total enrollment of some 36,000 students in 1916; however, in 1931 there were 232 institutions with units, having some 117,000 students enrolled. Yet, during the last ten years over seventy institutions have been denied R.O.T.C. training because of lack of funds.

Now recently there has been considerable agitation for the abolishment of compulsory R.O.T.C. training. But unfortunately, not all of this agitation has come from sources having the best interests of our country at heart. Let me quote from Mr. Ralph C. Bishop in a recent issue of the *Forum* who speaks of the leaders in the agitation against R.O.T.C.:

"The plain truth is that the leadership of the group opposing the R.O.T.C. has been taken out of the hands of simon-pure pacifists and is now controlled and directed from communist headquarters in Union Square, New York City. Class war and the overthrow of the existing form of American government are the acknowledged objectives."

In other words, much of the clamor against R.O.T.C. today comes from those who recognize its value to our nation, yet are against our nation itself!

Now let us turn to the value of R.O.T.C. training for the individual student who takes it. As far back as the time of John Milton it was recognized that military training had a place in education; John Milton said: "I call a complete and generous education that which fits a man to perform justly, skillfully, and magnanimously all the offices, both private and public, of peace and war." That is to say, one is not completely educated for his duties as a citizen until he has been pre-

pared for his duties of war as well as of peace. For this reason R.O.T.C. training has a definite place in our educational system.

Now let us analyze the benefits which the individual derives from a course in R.O.T.C. training. President R. S. Shaw of Michigan State College points out some of them in speaking of the question: "By far too many American boys fail to appreciate the significance of discipline and obedience. If they do not learn to understand what these things mean at all in elementary schools, it is time for the college to give them a proper impression.

"I feel, too, that it is a good thing to train a boy to get his chin off his bosom, assume a manly bearing, look the world fairly and squarely in the face and be prepared to face the problems of life in a serious way. Military science, as taught in the schools of this age, is not a provocative but a preventive of war."

In short, this educator believes that there is a definite contribution in discipline and obedience to the individual student; he supports R.O.T.C. training because of the physical posture which it teaches, as well as because of its general teaching of facing life problems.

There are some who argue that all the educational values of R.O.T.C. training can be had with less expense and with the same results from physical education. Let me give you the opinion of President Kent of New Mexico State College on this matter. He says:

"I know those who are opposed to military training insist that physical education will do the same thing.

I was trained in a normal school and took a great deal of physical education. I know it will not do the same thing for the student: There is not the exactness, the accuracy, the artful timing, the variety of work, the necessity for co-ordination in the ordinary class in physical education."

Thus it is plain that there are more educational values for the student in exactness, accuracy, co-ordination and timing—and these are not supplied in any other way than by R.O.T.C. training.

The fact that such universities as Harvard and Yale give R.O.T.C. training regular academic credit proves unquestionably that they consider it to have a real educational value. Then too, in a military education survey made in 1931 by the Research on Military Education, Washington, D. C., an overwhelming majority of forty-eight out of fifty-six presidents of leading colleges and universities heartily endorsed R.O.T.C. training for its educational qualities. Another study of the educational value of R.O.T.C. training conducted by the United States Department of the Interior revealed that 97.1 per cent of the ten-thousand R.O.T.C. graduates agreed that military training had a definite educational value, apart from its purely military aspects. In the same study of the matter, 94.9 per cent agreed that R.O.T.C. training contributed something unique and important to their education; they noted, more specifically, the following:

"Military training developed confidence, co-ordination of mind and muscle, and contributed practical training in leadership. The disciplinary exercises

taught courtesy, respect for authority, and the value of individual effort to mass accomplishment. The training contributed to an interest in national affairs and to a conviction that there are duties and obligations of citizens in time of peace. It gave an appreciation of the importance of health, neat appearance, and erect carriage to individual progress. It contributed an ability to speak clearly and coherently before a group of men."

For these reasons it is apparent that R.O.T.C. training has a definite educational value. Now let us see why such training should be compulsory.

First let me point out that the idea of compulsory subjects in university and college curricula is a basic requirement in all institutions of higher learning. Because of its definite educational value, as well as for its benefit to the nation which my colleague will show you, we of the Affirmative maintain that such training should be made compulsory.

Let me give you the attitude of Dean Everett W. Lord of Boston University on the matter of compulsory military training: "The course in military science is compulsory at this college, because we consider it fully as important as English and mathematics and economics and foreign languages—all of which are compulsory. Many college students would take none of these subjects if they were not required to do so, for they do not appreciate their value; but we who have traveled the road believe we know better than those entering it what equipment they will need." For this reason it is clear that R.O.T.C. training is not excep-

tional in its compulsory feature, and that it should be required for the benefit of the student.

President Emeritus William Oxley Thompson of Ohio State University supports this idea when he says: "It is well to recognize that the American College has never surrendered its right or privilege to insist upon certain requirements for its degrees. There is no prospect that the American College will ever recede from this position. Thus we have the doctrine of compulsion in the history of every institution of learning." Leading educators are agreed that this compulsory feature is not objectionable, but basic in all education.

Therefore, because of the benefits of R.O.T.C. training to the individual student, and because of its benefits to the nation which my colleague will show you, we the Affirmative maintain that it should be compulsory in all colleges and universities.

First Negative, Howard Raether  
Marquette University

LADIES AND GENTLEMEN: It is indeed a privilege for us to appear here this evening. For one thing it gives us an opportunity of meeting our good friends from Lake Forest College. For another, it gives us a chance of saying good evening to you and of preventing you from falling into the pitfalls of an attractive but dangerous militarism. And now to the debate.

It seems that the whole case of the Affirmative rests on two points: First, The R.O.T.C. conveys a great educational boon to the student; Second, The R.O.T.C.

will prove a powerful agent for national defense. Now with the timid suggestion that R.O.T.C. must have a few advantages or it would not have been established as widely as it has been, I propose to leave the first of these arguments to my colleague. I have great faith in his ability to show you that it will take much more than the friendliest proponent of R.O.T.C. can say to justify making it compulsory in every college and university of the United States. And now let us look at this matter of buttressing the national defense.

The militarists of the Affirmative seem to feel that by putting all college and university men into a military chain gang, we will have furthered national security. "Security? From what and from whom?" I ask them in a spirit of genuine inquiry. "We are going to be invaded"—I can hear their breathless warnings. Well, now, Ladies and Gentlemen, *are* we going to be invaded? And coupled with that imminent peril is our national position so weak that we must bolster it by stuffing our collegians into khaki and teaching them to parade at military proms? Let's gently lift the jingoistic smoke screen and look at facts calmly and steadily. Are we going to be invaded? History seems to say "No!" In a whole century the only invasions that have successfully penetrated to our national innards have been Paris styles in ladies' hats, the Japanese beetle, the Spanish flu, and miscellaneous indigent European noblemen hunting rich American wives. In no one of these invasions would a compulsory R.O.T.C. have availed to the slightest degree. Even the Pershings of the Affirmative must concede that.

"Ah," but our fearful friends continue, "but there are our land and water frontiers." Well, let's look at the land frontiers first. To the south of us lies Mexico. It is on record that the last time we had a brush with our southern neighbors we took half their territory away from them. Have they tried to get it back in the eighty or ninety years since then? They have not! The most recent indication of their friendship for us occurred when they sent us an ex-president to teach Hollywood how to sing. As far as Canada is concerned, we look for little trouble there although in the last few years there have been certain indications of a pernicious preoccupation with perambulators. And now the blue Pacific and less blue Atlantic, three thousand miles of tossing ocean on both sides of us.

Here it would seem is the real highway for the impending invasion. From the east and the west the enemy will come under the waters, on the waters, and over the waters to destroy us and ours with shrapnel, solid shot, propaganda and poisonous gases. The thought is fearful—and so is further thought that the Grant and Lee across the platform have apparently forgotten to think of what we would be doing while all this destruction is raining down on us. In that desperate day, I presume, our 2,000 airplanes would be making a good-will tour to the Hebrides and our second-to-none fleet would be carrying the American Ambassador back to Copenhagen.

To all this our opponents will probably respond by dragging the real villain into the tragedy. "Japan is going to bombard our west coast," that must be their



next line of defense. Well, what if it is? What would they destroy? Hundreds of walnut trees, I presume, and tens of thousands of ambitious mothers with children who look just like Shirley Temple. In the meantime, it would seem, the sailors of our Pacific fleet would sit idly at their guns and watch the target practice. I may be wrong but I have enough faith in the fighting qualities of the average American to believe that in the event of such an invasion we would meet force with force, dareful, beard to beard, as Macbeth says, and send it backward home. Let any one who thinks us easy prey send over a bombing squadron—let him. And as for Japan, it would perhaps interest the Affirmative to learn that General Smedley D. Butler recently said in Milwaukee—they will find the speech quoted in the *Milwaukee Journal* of February 20, 1936, "In ridiculing Pittman's talk of the Yellow Peril, Japan has all it can do for the next century to absorb what it has taken in China, without attempting to encroach upon the territory of the United States."

The necessity of building up additional national defense seems to us to have been grossly exaggerated, but even if such necessity did exist, it might be well if we would ask ourselves if a compulsory R.O.T.C. would prove a great defensive measure. The answer is "No"! According to the National Defense Act, which the gentlemen of the Affirmative have quoted as setting up R.O.T.C. for colleges and universities, students who wish to become members of the army and navy must take a full four years of training. Here's the catch: In this training, only the first two years are compul-

sory. At the end of this period, if the student so desires, he may withdraw, and the nation loses another member of the Reserve Officers Training Corps. The only effect of compulsion is to force the student to take two years of military training—when it would probably have been better if he had taken something that would not have proved valueless to him after a two year servitude.

It seems highly probable, too, that our opponents will point out that our entrance into the World War was delayed because of our unpreparedness. Well, be that as it may, there are those who are grateful that an alleged lack of preparation for an offensive war kept thousands of men from pouring out their life blood on the fields of France. Our opponents may say that that war taught us the values of unpreparedness. I think, Ladies and Gentlemen, that that war taught us a different and more valuable lesson. It taught us to observe the injunction of Washington and to keep out of entangling foreign alliances. We see vividly now that no foreign problem is worth a domestic disruption, that our friends of yesterday may become—well, what's the use of saying it, but the hand that fed Europe seems to have the marks of teeth in it, while the war to end war ended in a betrayal of trust by those we called friends.

My time grows short but before I sit down let me summarize the Negative case thus far. We maintain: First, that a compulsory R.O.T.C. must seek its largest justification in being a factor in national defense, but that (a.) our national defense is adequate at present, and (b.) even if it was not adequate a compulsory

R.O.T.C. would do little to make it adequate; Second, that our energies must be concentrated at home and not abroad, for peace and not for war. For these two reasons we insist that a system of compulsory R.O.T.C. should not be adopted in the colleges and universities of the United States.

Second Affirmative, Robert Katz  
Lake Forest College

LADIES AND GENTLEMEN: In presenting the case for a compulsory system of military education in all colleges and universities, the first speaker of the Affirmative has proved two essential points: First, the R.O.T.C. has an established educational value for the student. Second, this military education must be made compulsory in view of its manifold advantages.

In addition to these premises, we wish to complete our case by establishing the following: First, the R.O.T.C. plays a vital part in the defense of our country in these times of stress and strife. Second, that R.O.T.C. aids definitely in the prevention of future wars. Third, that owing to its indispensability to the nation, it must be made compulsory.

We may now examine these premises in more detail. The reasonable conclusion drawn from them is the incontrovertible need and value for the Affirmative proposal.

Our first justification of this need is that such a system as we intend to set up fills a definite need for strengthening our national defense. Many fail to real-

ize the possibility of an emergency in which our military forces will be called upon to defend our country. That World War which began so sensationally in 1914 has in fact continued up to the present day. Those conditions of international unrest and of rampant nationalism which prevailed twenty years ago are present today even in a greater degree. Much as we fear and dread another war, the possibility of such a tragedy remains, nevertheless.

There are sentimental, other-worldly pacifists who would blind our eyes to the possibility of war. However, as the prophet Jeremiah once said: "They cry peace, peace, but there is no peace." David S. Jordan confidently expressed his faith in world peace just a short while before the outbreak of the Great War. He said in 1914 "Humanly speaking, a great war in Europe is impossible." Shortly afterwards war was declared and the United States was drawn into the maelstrom.

Facing the definite possibilities of war, we have no alternative but to strengthen our national defense. A defenseless nation in our restless world would indeed be a tragedy. To realize the value of adequate defense, we have only to consider the unfortunate plight of China wholly unprepared to defend herself against aggression.

In the past, we have relied on our geographical isolation as a safeguard from attack. We have been content with a very small measure of preparedness. However, scientific progress in the form of the fast steamer and the airplane have greatly shortened the distances

between the United States and Europe on one hand and with Asia on the other. Today the United States is open to attack and invasion, for we can no longer rely on the previously protective barriers of distance. The need for an efficient and reliable system of defense is therefore greater today than ever before in history.

The inadequacy of our system of national defense was called to our attention when we were forced to enter the World War—totally unprepared.

It is true that war itself is a crime and tragedy. But a crime more unjustified than war itself is unpreparedness. Our losses in the last war might have been held to a minimum by proper preparation. Our small reserve army of 100,000 men had suddenly been expanded into two and one-half million. These recruits were sent abroad and placed under the leadership of incompetent civilian officers. Leonard P. Ayers in his book *The War With Germany* shows that 150,000 of the 200,000 officers in our war time army had no previous military training whatsoever. Every time a life was lost on the American side, another reason was established for a compulsory R.O.T.C. We must take the lesson of the great war to heart if war should come in the future. Let us be prepared to lead our soldiers with properly trained officers. A system of national military education as proposed in the Affirmative plan not only plays an important part in our national defense, but it also makes impossible another tragic experience such as we had in the last war. The military value of R.O.T.C. is shown by the fact that the War Department endorses this system. The highest Gen-

erals in the land, whose military judgment is not open to question, recognize the need for trained officers and lend their support to the Affirmative proposal. The military training as provided in this national compulsory system will shorten war if it comes. Properly trained leaders will tend to lessen the dangers and the suffering in the time of war.

Our college men are in fact the leaders of our reserve forces. They are men of superior intelligence and fine background. Their academic education makes them indispensable adjuncts to our system of national defense. Our college youth represent a select group. Theirs is the privilege and the duty to play an important part in the protection of their country. With a large group of properly trained R.O.T.C. officers, national security will be assured. The practical value of R.O.T.C. training is enhanced by the low cost of this education. According to the report of the Secretary of War for 1931, the cost of providing 117,432 college students with a military education amounted to only four million dollars. R.O.T.C. is undeniably a very cheap premium for national security.

We have explained the great need and the value of R.O.T.C. in our country. A second reason for our believing this system of education to be essential, is that R.O.T.C. is a preventative of war. The course, after being taken by these men, makes them ardent advocates of peace. They are taught the truth about war, they learn its barbarity and its cruelty, its destructiveness and tragedy. Military education does nothing else than cultivate a hatred of war on one hand

and an abiding love for peace on the other. R.O.T.C. influences the college student in much the same way that war experience affects the soldier. R.O.T.C. students, like World War veterans, are never to be found in the ranks of the militarists. They are in the vanguard for every movement for peace.

Ex-President Hoover in a speech delivered Nov. 11, 1929, said in part: "The men who fought know the real meaning and dreadfulness of war. They are the men who pray for peace for their children." R.O.T.C. aids further in the prevention of war by discouraging attack and aggression. A trained reserve of officers will inspire other nations with a respect for our strength. In the same speech previously quoted, the then President Hoover said, "I am for adequate preparedness that no foreign soldier shall ever step upon the soil of our country."

The R.O.T.C. is analogous to a police force. We maintain a national system not only to apprehend criminals but to discourage and prevent crime. Likewise, R.O.T.C. will aid in national defense in the time of war and in a time of peace will serve to prevent the occurrence of war. The great nations have always realized the value of preparedness in the preservation of peace. At the present time by virtue of its preparedness for war, Soviet Russia enjoys security from a possible invasion by Japan. Let us in America insure peace by proper preparation in the form of compulsory R.O.T.C.

The vital necessity of a system of R.O.T.C. leads us to require this training from all college students. The

national welfare must be insured by trained reserves. Unless this system is made compulsory its advantages will be lost to both the individual and to the nation.

Let us summarize the case for a compulsory system of military education. We of the Affirmative have established the educational value of this training for the individual. We have shown the great need for R.O.T.C. in the strengthening of our national defense. We have advocated R.O.T.C. training not only for its value in war but also its value as a peace preserver. Therefore, because of these basic advantages a system of R.O.T.C. should be made compulsory in all colleges.

Let us learn the lesson of preparedness. One sword keeps another in its scabbard.

**Second Negative, Ralph E. Houseman**  
**Marquette University**

LADIES AND GENTLEMEN: The positive attitude of the closing speaker for Lake Forest reminds us of the Senator who was addressing a women's club in no uncertain tones. It was in the afternoon, and the ladies brought their children to the meeting, not knowing what else to do with them. Well, the Senator was in fine fettle as he roared: "Ladies, you **MUST** do this," and "Ladies, you **MUST** do that." After finishing his speech, the good Senator sat down in a manner that qualified him to be the second man since Cimarron to strut even while sitting. When he stopped, one child in the audience looked at his mother, then at the Senator, and asked:



"Mother, is that man God?"

We are happy to say that the Senator was not the least bit disconcerted by this question. He patted the child gently on the head and said with reverence:

"No, dear child, there is One greater, even, than I."

Now we of Marquette expected to have many arguments thrown at us this evening, but frankly we did not expect the Affirmative would try to link the Negative of the proposition with the Communists. For some reason or other, the attempt to make bedfellows of Communism and Marquette University does not frighten us; instead it strikes us as an oratorical handy-andy which, together with Benedict Arnold and Judas Iscariot, may be used when arguments fail to stand on their own feet.

Nor does an assertion about an "incontrovertible need" for a greater national defense refute the arguments adduced by my colleague to show that we are adequately prepared at present. Right at this moment the United States has:

First, a navy second to none.

Second, the greatest peace time standing army in our history.

Third, an air force of 2,000 serviceable planes.

Fourth, unparalleled resources consisting of mineral wealth, money, man-power, technical skill and mechanized armaments.

Fifth, the greatest peace-time war budget for any nation in all history.

Sixth, the natural protections of oceans, distance

from major powers, and weak and friendly nations to the south and north.

Against these inescapable facts our opponents can muster but two objections: the greater rapidity of communications and the so-called "experience of the World War." We can not accept as valid the first objection because the rapidity of communications works both ways. If another nation can fight with airplanes, gas, liquid fire and bombs, so can the United States. If their ships travel faster, so do ours. Thus the greatest speed and scientific advance of today is just as much of an advantage as it is a disadvantage for us.

The gentlemen from Lake Forest have told us also that the World War cost us many lives because of inadequate leadership. To this we counter that to provide for the national defense does not mean building a military machine that will be insuperable upon European battlefields or one that will harken to the call of any foreign nation desiring an ally. We must distinguish between offensive and defensive strength, for we, as lovers of peace, believe that the United States is sufficiently prepared when and if it can defend itself. Does the Affirmative wish America to be prepared to send another expeditionary force to Europe so that, once again, we can saddle upon ourselves the costs of Europe's conflicts and then be called "Uncle Shylock" when we ask for repayment? We think not. The Negative consequently opines that since we already have provided for the common *defense*, there can be no need for a compulsory R.O.T.C. other than aggressive militarism.

Apparently realizing the inability to show a real need from a national standpoint for the compulsory R.O.T.C., the Affirmative has solemnly pointed to the great benefits to the individual. We may well wonder whether we have at last arrived at the stage where navies are built for the benefit of foot-loose Admirals and sailors. Our friends have even invoked the ghost of Milton—incidentally a neat bit of grave robbing—to show the advantage of compulsory R.O.T.C. Aside from the fact that Milton lived some several hundreds of years before the R.O.T.C., it occurs to the Negative that some of these much vaunted claims of individual benefit should be subjected to closer investigation.

What about discipline? We won't mention that sailors advocate bigger navies and more ports, nor shall we tell the stories that are legion of soldiers and sailors on leave; but we should like to remind Lake Forest that in 1928 the Virginia School Survey recommended that the State discontinue appropriating funds to the Virginia Military Institute. Why? Because there was a notable lack of discipline outside of actual cadet ranks. Need we mention that often these modern militia men magnificent take unofficial target practice at dormitory lights, and in the words of Edwin C. Johnson, writing in the *Forum* for September, 1935, show "a lack of respect for authority"?

What about its value as physical training? Dr. Jesse F. Williams of Columbia, a noted physical educator, and a former Lieutenant in the army, has this to say: "Without any reservations of any kind whatsoever, it can be stated as the judgment of the profession of phy-

sical education that military drill is not only worthless as a developmental activity for young boys but also positively harmful." Yet the Affirmative wishes to make this doubtful type of training compulsory.

We of the Negative maintain that this time could be spent far more profitably in other pursuits. While these campus clay soldiers are parading, fighting sham battles, or holding their beloved ladies' hands at military balls, the problems of the nation remain unsolved. This is the real battlefield. As one leading New York editorial puts it:

"With the agricultural problem destroying the very foundations of our American rural life, it seems worse than futile to have farmers' sons spending their time learning squads right, the nomenclature of the rifle, or military polo in the blind hope of thereby defending their homes and ideals."

However, the gentlemen of the opposition have been careful to pay lip service to the cause of world peace which you, the Ladies and Gentlemen of the audience, so earnestly desire. Paradoxically enough, our opponents expect to accomplish two contrary ends by a compulsory R.O.T.C.—they are going to make this country safe from tanks, ships, airplanes and gas, and at the same time they are going to make those same stanch defenders of America so sick of war they will not want to fight.

We have heard many claims made for popguns but we have never heard it advertised that they made pacifists of children, nor can we see how polo ponies and squads right will make peace lovers of American

college students. Universal military conscription has not insured peace in Europe. Instead it has made for bigger and better wars. We concur with the Affirmative when it says that the experience of the World War taught the soldiers the lesson of peace and forced many to say that they never again would fight on foreign soil. However, we do deny that compulsory R.O.T.C. can at one and the same time strengthen national military strength by recruiting those who, according to the opposition, will soon become war-sick.

In fact, Marquette agrees with this same Mr. Johnson who wrote: "The most damning indictment against compulsory R.O.T.C. is that the weight of its influence is thrown on the wrong side of the greatest social issue facing our age: the struggle against war."

Definitely, Ladies and Gentlemen, the proposition of the Affirmative is a severe blow to world peace. Last year we spent \$4,000,000,000 for wars past, present or future. When the nation which already leads the world in war expenditures, resources, money and military equipment desires even greater preparedness, then we can not fail to come to the conclusion that we are preparing, not for peace and defense, but for aggressive warfare.

Our friends seem to think that the twenty or thirty million dollars which the R.O.T.C. would cost if made universally compulsory is a small amount. In the last three weeks our Congress has appropriated more dollars than George Washington could have thrown across the Delaware in three centuries. Where will the money come from? Neither Congress nor the opposition has

concerned itself about that. Are not \$4,000,000,000 enough to spend on war in one year without wasting more for a compulsory militarism that is unwise?

Finally, let us see where we stand on the last issue, the question of compulsion. We are not against the R.O.T.C. as it is today, nor do we question the duty of the citizen to defend his country in time of war. But we do say that the R.O.T.C. should not be made compulsory in all colleges and universities when such coercion would be of dubious value to the individual and the nation and of harsh effect upon world peace. As my colleague pointed out before—and the opposition has not denied this—a compulsory R.O.T.C. does not automatically strengthen the Reserve Officers' force. The National Defense Act of 1920 makes it contingent upon the individual voluntarily to take the last two years of training, only after which the student becomes a Reserve Officer. Those who are forced into the R.O.T.C. will not choose the final two years, and those who really want to become officers must do so of their own volition. Compulsion, therefore, does nothing but lower the quality of R.O.T.C. training by forcing undesirables into the ranks—undesirables who will never choose to become Reserve Officers.

Briefly, then, our position is this: America is a nation at peace. We fear no foreign foes and do not desire to fight aggressively. No nation is better protected than ours. The bombs bursting in our midst are the tear gas bombs of strikes, not the shells of enemies. Our real battlefield is at home with domestic questions. Let us, therefore, face our genuine problems and refuse to

make compulsory a costly parade of collegiate tin soldiers—a parade which is unneeded, of doubtful merit, harmful to world peace and totally unwarranted.

**First Negative Rebuttal, Howard Raether  
Marquette University**

LADIES AND GENTLEMEN: At this point in the debate it seems that the Affirmative's entire case can be summarized as follows: the R.O.T.C. brings benefits to certain students, and hence it should be forced upon all students. Now I feel that my colleague has made adequate disposition of the argument that the R.O.T.C. is a great educational boon, and accordingly, I will pass to another point which shows why compulsion is of no value.

Although we have twice mentioned that student choice actually determines if the Reserve Officers' Corps is to be strengthened, the gentlemen from Lake Forest have seen fit to ignore the argument. The *School and Society* magazine for August 10, 1935, handled this point well when it said:

"In the last analysis student choice determines the number of officers graduated into the Reserve Corps by the R.O.T.C. units. Before a student can qualify for a commission he must complete four years of military work. The third and fourth year are voluntary in all schools and colleges (except essentially military) now having R.O.T.C."

Our friends from Lake Forest have told you that forty-eight out of the fifty-six presidents of leading

colleges and universities have heartily endorsed the R.O.T.C. To this argument we answer that the Committee on Militarism in Education is unalterably opposed to a compulsory R.O.T.C. such as is advocated by the Affirmative. It may interest the gentlemen to know that this committee numbers among its members such distinguished educators as Professors Meiklejohn, Ross and Dewey.

Then again the Affirmative maintained that by far the majority of R.O.T.C. graduates are in favor of compulsory R.O.T.C. Now, Ladies and Gentleman, doesn't it seem only reasonable that men who have survived four years of a system, the last two years of which they have undertaken voluntarily, could be in favor of that system?

The opposition reasons that since the R.O.T.C. uses but a minor share of the 4000 millions of dollars now spent for war, an additional expenditure for a universal R.O.T.C. should be permitted. Does the fact that we now spend more than any other nation in the world justify even further expenditures? H. L. Lutz, in his book *Public Finance*, stated that the appropriation for our national defense is the largest single item in our budget, amounting to thirty-seven per cent in 1929. Lake Forest has considered only the money necessary to keep the present R.O.T.C. system going. What would happen if the proposition of the Affirmative were adopted by the nation? Armories, uniforms and fighting equipment would have to be purchased before a compulsory R.O.T.C. could be put into operation, and, may I add, this sum would be in addition to



the normal current expenditures of the R.O.T.C. Until the gentlemen of the opposition can tell us how they will wring more money out of the taxpayers' already empty pockets, we can hardly think of favoring the proposition.

My final objection to a compulsory R.O.T.C. is that it is destructive of the rights of the individual students. Suppose a student objects, as some have, to military training in time of peace? Under the present provisions of the National Defence Act of 1920 the student may choose another college or university. Under the system espoused by the Affirmative such students would be forced either to act contrary to their consciences and religions or else to choose an equally repugnant course: deprive themselves of an education. May we ask our opponents what they propose to do about students who conscientiously object to a system which is compulsory in all institutions of higher learning?

Thus, Ladies and Gentlemen, as we proceed with the rebuttal, we of Marquette find that Lake Forest has failed to answer these significant criticisms of a compulsory R.O.T.C. First, they have failed to tell you how they will pay for the R.O.T.C. Second, they have not told you how compulsion strengthens our Reserve Officers' Corps. Third, they have not explained what they would do with conscientious objectors to military training in time of peace. Fourth, they have not established a real need for a compulsory R.O.T.C. And finally, they have failed to disperse the cloud of doubt

which enshrouds the merits of a compulsory R.O.T.C. training.

First Affirmative Rebuttal, Harlan McClung  
Lake Forest College

LADIES AND GENTLEMEN: So far this evening our friends of the Negative have brought up four main issues against compulsory R.O.T.C. training in American colleges and universities. They have said: First, that it should not be compulsory. Second, that its expense is too great. Third, that it is not needed because the United States is not threatened with war but is adequately prepared today. Fourth, that R.O.T.C. training is of little value for national defense.

Now let us examine their criticism of the compulsory feature of R.O.T.C. training. We may liken their objection to a small child who does not want to take a dose of castor oil. The child's parents compel the child to take it for his own good. Thus, despite himself, the child receives the benefit of castor oil. In the same way we propose that students be compelled to take R.O.T.C. training, just as they are compelled to take a course in science or language for their degree.

In his homely, philosophical way, the late Will Rogers pointed to the truth behind the necessity for *compulsory* R.O.T.C. He said: "California's Supreme Court has ruled that if male students of a State university take all the advantages of free education, a little military training is not asking too much of them.

"If you are going to exempt conscientious objectors, nobody would take anything but football, swimming, theatricals and saxophone playing, all of which the State universities provide."

In brief, because of its advantages and because of the doctrine of compulsion's being an accepted part of college work, it is clear that R.O.T.C. training must be compulsory in colleges and universities.

Next, the Negative has objected to the expense of R.O.T.C. training. Yet only a small part of the fund expended by the War Department is for R.O.T.C. training. We of the Affirmative maintain that such an expenditure is as economical an investment as could be made for national defense, and at the same time for the education of the nation's youth. The Negative has shown that the United States is well prepared with airplanes, standing army and navy; yet they object to a small additional ten per cent investment which has educational advantages as well as defense advantages. We ask the Negative, why do they draw the line at this point?

Then our opponents have tried to show that the United States is not in danger of war, and therefore R.O.T.C. training is not necessary. But there is an inconsistency in this stand; for why have they stressed our otherwise strong national defense if they believe we do not need such a defense? May I point out, too, that it was once believed that Great Britain, because of her "splendid isolation" was immune from the threat of war. But how modern science has changed this set-up! Today the English Channel

means nothing. In the same way the oceans guarding the United States are growing smaller. For this reason we must prepare for the future as well as the present by the adoption of compulsory R.O.T.C. training in all colleges and universities.

Finally, our opponents have tried to discredit the value of two years compulsory R.O.T.C. training. Yet how do they account for the fact that the War Department is so eager to supply colleges with units, if they think it has no military value? They say that the methods of R.O.T.C. are antiquated for modern warfare. Do they believe that our War Department is so incompetent that it does not know how to train its future leaders? The very fact of its hearty endorsement by military men such as Pershing and Foch proves beyond reasonable doubt that two years R.O.T.C. training has not the under-estimated value which our opponents have attached to it.

Having met the arguments of the Negative against compulsory R.O.T.C. training, let us return to the case as established by the Affirmative. The Negative team has failed to disprove the advantages which such training gives to the individual student. Rather, the first speaker for the Negative has admitted these individual benefits. And as my colleague has showed you, R.O.T.C. training is advantageous for the nation. In order that these benefits and advantages be secured for all, we of the Affirmative maintain that all colleges and universities of higher learning in the United States should adopt a system of *compulsory* R.O.T.C. training!

Second Negative Rebuttal, Ralph E. Houseman  
Marquette University

LADIES AND GENTLEMEN: We regret it as much as any one that the debate has resolved itself into a running comment on the value of castor oil, but since Lake Forest has spent a major portion of its first rebuttal attempting to show why the R.O.T.C. should be compulsory, it becomes necessary for us to point out the flaw in the analogy.

In the first place, the Affirmative has been content with merely asserting the values of the R.O.T.C. to the individual and to the nation. I think we have shown you upon the ample authority of the Virginia School Survey, Dr. Jesse Williams and Edwin Johnson that the value of this type of military training to the student is not beyond question. We have cited the Committee on Militarism in Education to show that it would be a severe blow to world peace. Consequently, we are of the opinion that the only way the compulsory R.O.T.C. resembles castor oil is in its taste.

Secondly, the gentlemen from Lake Forest have forgotten that compulsion really doesn't strengthen the Reserve Officers' Corps as the *School and Society* magazine pointed out in its issue for August 10, 1935. Why, then, force a first dose of castor oil when the second dose—which is voluntary—is the one that counts?

The opposition thinks that because we now spend more than any other nation for war, we should not

hesitate to spend a few more millions for the R.O.T.C. In the eyes of the Negative, the thing to do when budgets reach astronomical figures is to ask "*Why* spend more?", not "Why *not* spend more?" as the opposition wishes.

Lake Forest has accused us of being inconsistent because we "stressed our strong national defense" when we "do not believe we need such a defense." Unfortunately, that is not the stand we have consistently taken throughout the debate. Our position is this: we have a strong national defense adequate to meet any contingency. Why should an attempt be made to strengthen it?

A final question which the second rebuttal speaker asked us was this: "Why is the War Department so eager to supply colleges with the R.O.T.C. if they think it is of no value?" I must admit that we can't answer that question. Neither can we understand how the R.O.T.C. polo ponies supplied by the War Department will ward off enemy airplanes or how the wooden fleet which our flawless Generals and Admirals built during the World War could be constructed merely for the purpose of rotting away in the Hudson River—the beginning, extent and end of their maritime travels.

Now let us consider in more detail a basic criticism which we of the Negative must make of the Affirmative's proposition. They maintain that because of more rapid communications and scientific advance the United States has a correspondingly greater need for an increased national defense.

This argument would permit Zulu tribes and Borneo headhunters to increase the number of their spears. All nations of the world could engage in a mad armament race simply because the tempo of travel was faster. But the significant point that Lake Forest has refused to consider is that modern inventions work for a nation just as much as they work against a nation. Consequently, before our opponents can establish any need for the change they advocate they must:

First, point out the particular circumstance of the new warfare which works solely to the disadvantage of the United States.

Second, show the specific inadequacy of the United States in view of the fact that we now spend more money for war than any other nation.

Third, show why their reasons for the increase of our military force would not permit all other nations of the world to increase their armaments also.

Fourth, name the specific countries which threaten us. We have shown that Canada wouldn't want to, Mexico couldn't, and that Japan already has her hands full.

As the debate draws to a close, we of the Negative deem it essential that the gentlemen from Lake Forest should be informed of certain definite challenges which they must answer before a compulsory R.O.T.C. could be favored by the citizens of America. They are:

1. Establish a genuine need for increased preparedness.

2. Tell how the country will obtain the money needed to extend the R.O.T.C. to all colleges and universities.
3. Show how compulsion strengthens the Reserve Officers' force.
4. Remove the doubt which surrounds the "merits" of R.O.T.C. training to the individual by proving,
  - (a) That discipline in the ranks means discipline in every day life—outside the ranks.
  - (b) that R.O.T.C. is valuable as physical training.
5. Make clear their stand on what would happen to conscientious objectors to military training.
6. Describe how an increased expenditure on the part of the United States would lead to peace and not to a general increase in armaments, hate and suspicion.

Until the gentlemen from Lake Forest satisfactorily answer these vital challenges, we of Marquette University must continue in our opposition to the establishment of a compulsory R.O.T.C. in all colleges and universities of higher learning.

**Second Affirmative Rebuttal, Robert Katz  
Lake Forest College**

LADIES AND GENTLEMEN: In concluding this debate, let us first consider the objections of the Negative team to the Affirmative proposal, and, secondly, let us sum



up briefly the arguments which definitely establish the need of a compulsory system of military education.

The first objection of the Negative to the Affirmative proposal is that our system of national defense does not need further strengthening. Let us re-capitulate the premise which we established in our constructive speech. Our present system of national defense is not adapted to the increased need of national security. We have described the unrest and the chaos which characterize the contemporary world. The outbreak of another world war into which the United States would be drawn is far from impossible; the inadequacy of the present defense system was emphasized in the last war in which thousands of lives were lost through the incompetency of our officers. Since the close of the war we have done nothing to improve our military strength. We of the Affirmative maintain that it is high time to profit by our experience in that war by establishing an R.O.T.C.

We have pointed out also that we in the United States no longer enjoy the security of our so-called geographical isolation. Owing to scientific progress, we are no longer isolated from either Europe or Asia: we must look to other means of defense.

A second criticism on the part of our opponents was that a national system of R.O.T.C. will create a military class. Any comparison of the United States with pre-war Germany or other militaristic nation will suffice to show the difference in national characters. In America we have a long tradition of freedom and democracy which is not compatible with militarism.

The late James Bryce had this to say on militarism in America: "There is in America no military class thinking of war and regarding war as its natural occupation. America is the only great country in which fighting services are exempt from all that is expressed in that single word 'militarist.'" Newton D. Baker in his speech of January 12, 1936, said: "If you should call before you the men who have taken military training in the schools, I am confident you would not find one of them who has got the spirit of militarism out of it. No war the United States has ever engaged in was ever caused or contributed to by an impulse that came from American soldiers."

A third objection to our proposal for R.O.T.C. training was the additional burden to our taxpayers. However, if we have had a system of R.O.T.C. in the past we might easily have kept out of war and thereby avoided huge war debts. The few millions which are needed to provide for R.O.T.C. are indeed a negligible sum when compared with the billions past wars have cost. The value of the human lives which an R.O.T.C. system would save cannot be computed in dollars and cents. Need we ask if R.O.T.C. is worth the price?

In concluding, let us review briefly the issues of this debate. First, the Affirmative has emphasized the great educational value of the R.O.T.C. training for the individual. In supporting this thesis we have quoted educational leaders whose authority has not been questioned by the Negative. Second, we have pointed out that owing to its advantages to the individual it is of vital necessity to the nation. Our

opponents cannot recognize the military value of R.O.T.C. and yet refuse to make this system mandatory. Unless R.O.T.C. is made compulsory the benefits will be lost. Third, we have definitely established a need for strengthening our national defense, and we have shown how R.O.T.C. fulfills that need. We have based our proposal on the value of R.O.T.C. as a preventive against future wars.

Therefore: in view of these arguments, we of the Affirmative maintain that a system of R.O.T.C. must be made compulsory in all American colleges and universities.

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THE COTTON CONTROL PROGRAM  
*A Radio Debate*



# THE COTTON CONTROL PROGRAM

## SOUTHERN METHODIST UNIVERSITY

### AFFIRMATIVE VS. BAYLOR

### UNIVERSITY NEGATIVE

The following debate is a brief radio discussion of the cotton farmer's plight and the program that has been followed to better his situation during the A.A.A. regime.

The debaters are representatives of two of the leading universities of Texas, and are well known speakers in the collegiate world in that State.

The question was stated: *Resolved: That the Federal Government should control the production of cotton.*

The speeches were collected and contributed to this volume by Prof. Glenn Capp, Director of Debate at Baylor University, with the co-operation of the speakers.

First Affirmative, Finis A. Crutchfield, Jr.  
Southern Methodist University

LADIES AND GENTLEMEN OF RADIOLAND: With our Baylor friends we are discussing this morning the question, *Resolved: That the Federal Government should control the production of cotton.*

All Southerners are aware of the cotton farmer's plight. He received thirty-one cents a pound at the close of the war; he received five cents a pound for his cotton in 1931. Five hundred thousand of the cotton farming population were ejected from farm and plantation during the period of 1920 and 1929. The



average income of the cotton farmer, after cost of production has been deducted is \$261 annually as opposed to \$470 for the farmer in other products and \$570 for the industrial worker in the city. The causes of this distressing and unnecessary situation may be found first in overproduction.

With an extended number of individuals farming cotton at the close of the war, we have seen capacity production ever since (excepting that period of the A.A.A., of course), which capacity production has resulted in a large carry-over year after year. With each farmer producing a maximum the carry-over has become greater and the fact has become obvious—overproduction is one of the causes of the unfortunate situation, for with the increase in surplus has come the decrease in price.

The second important cause is deterioration of the soil. The same land, year in and year out, has been planted and re-planted in cotton—with the result that those elements in the soil which are good cotton producing elements have been removed. Briefly stated, the soil is worn out. Thus the earth is being robbed! Each farmer has put all his available land into cotton production. This has not allowed for the land to be restored to its proper fertility by rotation of crops or by permitting the land to lie fallow from time to time. The cotton control program offers the opportunity of soil rehabilitation.

The third contributing factor in the farmer's plight today lies in the inequitable economic situation. He buys in a closed, protected market, yet sells in an

open unprotected market. Everything he purchases—shoes, automobiles, farm implements, building materials—are protected largely by the government; this makes his cost of production higher—yet his cotton is sold in competition with the farmers of the world. As a government we have seen fit to protect our industries, but not our cotton farmers. The cost of some articles the farmer must buy amounts to seventy-five per cent to one hundred and fifty per cent more because of tariff protection, whereas he himself enjoys no protection from the government. The injustice is not in tariffs themselves; the injustice is in giving protection to one industry and denying it to another, namely—the cotton industry.

Now, in order to relieve some of this unjust pressure on the cotton industry the Affirmative proposes that the government control the production of cotton. The government will determine the amount to be produced to meet the anticipated demand, first for the home market; and in like manner the government will estimate the amount that can be reasonably placed on the foreign market. Certificates will be issued to each farmer for the amount which he may produce for the home market and for the foreign market. For every bale of cotton the farmer sells he must have a certificate. For any bale for which he does not have a certificate he will be charged one hundred per cent of the selling price.

Now this proposal will eliminate the suicidal overproduction in that the government may adjust the supply to meet the demand, knowing how much cotton

is to be used, the evil of large carry-overs will be eliminated, as, in the triple A program, despite its defects, the surplus was reduced.

Further, the Affirmative proposal alleviates the unfortunate condition of soil deterioration. When not all of the land is to be placed in cotton, the farmer naturally will be free to rotate his crops or at least plant some of his land in other products or let the land lie fallow, which affords a rehabilitation of the soil.

And lastly, when the home supply is adjusted to meet the home demand the price will take care of itself at home and the farmer will be assured of at least that much reasonable income. We do not propose an attempt at raising the price on the world market; we do contend, however, that the government will be enabled to build up mutual trade agreements, and that American cotton can compete profitably and on an equal basis or superior basis to other nations.

In this respect let me quote Mr. Dies in an article from the *Cotton Trade Journal* of July, 1935: "American manufacturers have long enjoyed the benefits of protective tariffs and the Domestic Allotment Plan is the only salvation for the American farmer—farmers would be placed on the same protected basis as manufacturers and would still be able to compete in the world market, in which competition they would come out triumphant."

We want it clearly understood that there is to be a distinction in cotton produced for home consumption and cotton produced for foreign consumption. For the home market we produce just enough for the supply

to meet the anticipated demand; for the foreign market we produce the amount that the government thinks may profitably be placed on the foreign market.

In the interest, then, of a more stable cotton industry, which in turn will result in more sound economic conditions for millions of people in America, we suggest that the Federal Government control the production of cotton.

First Negative, Warner Evans  
Baylor University

LADIES AND GENTLEMEN: You have heard something of the bad condition in which American farmers today find themselves. We wish to make it clear from the start that we are not contesting this point. Although we are ready to admit the sorry plight of the farmer, we are here to prove to you that not only will the Affirmative proposal of government control fail in its objective of bettering conditions for the American farmer, but it will leave him in a worse condition than the one in which he now finds himself.

The Affirmative have called your attention to the fact that the American farmer must sell his goods at a low price and pay a high price for the things which he finds it necessary to buy. One reason for this bad condition has been given by the Affirmative in their mention of the tariff. The injustice, they say, is not in the tariff, and yet the high protective tariff is forcing the American farmer to buy at artificially high prices in a protected market. Why, in the name of

common sense, have they not attempted to do something about it? Why permit the continuance of the chief evil which causes the situation?

The Negative submits a counter proposal that something be done about the tariff! Either to remove the tariff or to scale it down to a point where it will not be a burden, rather than the fantastic scheme of government control of cotton production. Thus in modifying the tariff there would be lowering of costs which will lower prices and leave a margin of profit.

What would be the results so far as the farmer is concerned? In the first place it will reduce the cost of living by reducing the cost of the things which he has to buy. And in the second place, it will increase the demand for American cotton both at home and abroad because the American people will not have to pay so much for what they buy here and by removing this artificial barrier that keeps other nations from trading with us they will be able to buy more American cotton.

But the other gentleman says it is a necessity to have the protective tariff in order to protect the American laborer and maintain standards of living. I submit that the tariff is one of the greatest economic fallacies which exist in our day. We do not have our present standard of living because of our tariff, but because of the natural economic advantages we have; the superiority of our resources and the fact that American workers are on the whole better trained, better qualified, better situated. No better illustration of this principle can be cited than the case of England, which existed as a free trade nation and was not only able to

keep her head up but led the nations, as well, even when there was not the tariff wall serving as the so-called "protection" of her home products.

So I suggest that the gentlemen of the opposition are not proposing to remove the evil in the situation, namely the tariff, but are proposing to erect another evil like the one which already exists.

Now, Ladies and Gentlemen, what would be the effect of this in operation?

It is a Negative contention that government control is an impossibility. But even supposing the government could, as proposed by the Affirmative, anticipate the demand for and fix the price of cotton from one year to the next; what would be the result of the Affirmative plan?

In the first place, any benefit that will come from their plan will result not from control but from the tax which will be handed to the farmers. This could be put into operation without reducing the production by even so much as one-half bale annually. So I submit to you this feature then, that it is not a benefit of control but of subsidy and could be put into operation without reducing the production of cotton at all.

Now, then, how about the foreign feature? What would be the results on the foreign market? The A.A.A. demonstrated to us definitely that such co-operative system will not raise the price of American cotton in the foreign market. The rise in price attributed to the A.A.A. has not been due to the operation of the government, but to the devaluation of the gold dollar.

Now, I submit to you that any trade agreements would be just as fully possible at the present time as any that can be carried into effect under the plan of the gentlemen of the Affirmative, so, therefore, there is another feature which they cannot claim as benefit resulting from the control of cotton production.

Finally, I suggest that the withdrawing of our crops from the foreign markets and cutting down what we produce by attempting to control the supply has only this result: the setting up, the bringing into business, the subsidizing of foreign nations that will compete with us in production and sale of cotton; that will have our trade, and that, but for such action on our part, would be unable to compete with us! For authority I quote the *Dallas Morning News* (in substance) "We have, by reduction of our own supply, helped the business of foreign nations in cotton to the detriment of our own."

**Second Affirmative, Morris Keeton**  
**Southern Methodist University**

MR. CHAIRMAN, FRIENDS: The opposition has pointed out that the Affirmative names as one of the causes of the farmer's present plight the protective tariff, from which industry has benefited and the farmer does not, and they have asked why we have not done anything about this. We *have* proposed that something be done about this; that the farmer be given protection through control of production. We have pointed out that the evil lies not in the protective tariff itself but in

the fact that the industrialists enjoy protection whereas the farmer receives no protection. The control of production, which we suggest, will result in effective increase in the price of cotton and thus will result in better conditions for the farmer in general.

The Negative has made a counter proposal, that of scaling down the tariff; and in so doing they have taken the burden of the proof upon themselves. We agree that the high standards of living are not enjoyed because of the protective tariff, but we have the protective tariff because of our high wage levels; without it Japanese, Chinese and other nationality groups can compete with our American working men in spite of the fact that they have to ship their products from abroad—this is possible because of the cheap labor and low wage levels in those countries. We have to have the tariff in order to protect the American laborer. It is necessary for us to give him the protection that will enable him to operate on an equal footing with any other group.

Therefore, we say, that the Negative will not be able to benefit our country by reducing the tariff for it would throw many men out of work and throw industry into confusion. It is necessary for us to give the farmer protection.

The opposition alleges that control is impossible. This is a very interesting statement, especially in view of the fact that when the government has been doing it the surplus has been reduced over 4,000,000 bales. In 1932 there was an anticipated supply of cotton on the world market amounting to 29,000,000 bales. In 1935,



after a period of government control we had on the market only 20,000,000 bales.

Now the gentlemen of the opposition would contend that the rise in the price of cotton has been due solely to the devaluation of the dollar. But this accounts for only a small amount of it. This devaluation brought about thirty-five per cent increase in other products, but there was a hundred per cent rise in cotton; so sixty-five per cent was gained by the farmer in his buying power. Extensive work of government representatives in controlling the production of cotton has thus increased buying power.

And are the benefits residing only in the tax which will be handed to the farmer as the Negative contend? On the contrary, the tax will amount to only a fraction of a cent on a piece of goods costing twenty-two cents, whereas on manufactured articles seventy-five per cent to one hundred and fifty per cent tariff is imposed to give industry protection. We insist that what is sauce for the goose is sauce for the gander, and if industry can have protection surely the cotton farmers are entitled to it.

We suggested, then, the following reasons for government control of cotton production:

In the first place, there has been over-production, and by control by the government we could allow the law of supply and demand to operate naturally and through government control to meet the needs for home consumption and a reasonable anticipated demand of foreign market.

In the second place, the soil has been worn out by

farmers attempting to plant all the cotton that they could; and there is serious need for rehabilitation of the soil, by crop rotation or the land lying fallow.

Finally, we pointed to the injustices in the tariff situation and suggested that by offering the farmer what will help him to meet the cost of living in a way similar to that which the industrialist enjoys, he will do better and the condition of the American people in general will be much better. Therefore, we insist that the government should control the production of cotton.

**Second Negative, Richard Sanders  
Baylor University**

MR. McCLAIN, AND LADIES AND GENTLEMEN: Mr. Keeton, the last speaker, has submitted to you various answers to my colleague's refutation of the Affirmative contentions. I will endeavor to answer those small points which he has introduced and sum up the Negative outlook and Negative case and the reason for our standpoint.

The gentlemen maintain that the devaluation of the dollar which my colleague submitted was responsible for the rise in the price of cotton, was responsible for only a portion of the increase because of the fact that devaluation of the dollar resulted in thirty-five per cent rise in usual commodities price on the one hand and a hundred per cent rise for cotton on the other. I would submit this proposition: that the cotton price was already artificially lower as a result of the protective tariff placed by the American government. Hence,

when we devaluated the dollar to the extent of forty-nine per cent that did not raise the amount of cotton which price was based on a world price already unnaturally low which, therefore, rose the full extent that it could.

In the second place our opponents suggest that the A.A.A. is a perfect example, more or less, of ability through control of government to aid equilibrium between supply and demand. The A.A.A. reduced cotton supply four and one-half million bales, they said. As a matter of fact it reduced the supply by some six million bales. However I would remind them of the fact that this reduction was met and offset by the four and one-half million increase in other countries' production: Brazil, Egypt and all the rest.

It is necessary that we maintain the tariff, he says, in order to protect high wages, and he expresses the fear that in eliminating the tariff we will place the American laborer in a position where he will have to compete with peon labor in Brazil and Japan and with laborers in other parts of the world. This is probably the most fallacious statement that has ever been presented to the world. It comes from vested interests whose subsidy is based on the existence and continuance of this proposition. I say that the American laborer's high wages are more apparent than real. Even if he does receive a high wage, the protective tariff increases prices on goods he must buy in order to support himself and family and as a result his apparent gain is offset, and he loses in the bargain.

The tariff has never been put into operation and

never been justified on the basis of helping the American laborer but only to give subsidy to American industry. It would be possible, according to the best economic thought in the United States for the American nation to do away with the tariff and compete equitably and still maintain the high scale of the American laborer and increase his real income by decreasing his outlandish cost of living—by decreasing the price of commodities he has to buy.

Because of the fact that the American industrial system is the most economic method of production it is obvious that the greatly feared competition on equal basis with other countries would not be so great a factor. We have learned so well the methods of mass production that we can compete with inefficient nations who have not the equipment or the methods to so efficiently produce; solve the problem by decrease in the tariff and give lower cost of living without decreasing wages very appreciably.

Now, in conclusion, let me point out what the Affirmative has intended to do. They propose to subject cotton production to government control so that the *amount* of cotton will be reduced. This, they feel, will rehabilitate the condition of the American farmer.

But the Negative has pointed out that the gentlemen in order to do so must increase the prices which the American consumer must pay for his commodities; that such control will restrict the foreign market and merely call into production those foreign nations which otherwise would not have been in competition with American products and would be taking away sixty per

cent of the foreign market on which the American farmer has depended.

**Affirmative Rejoinder, Morris Keeton  
Southern Methodist University**

MR. McCLAIN AND FRIENDS: The opposition has pointed out that it is necessary for the Affirmative to point to an increase in price since 1932. We accept the burden of proof and point out that reducing the surplus will allow the law of supply and demand to operate naturally. We have been able to do that, they say, but we must not do so on the foreign market. We do not intend to raise the price on the foreign market—instead we reduce the amount on the home market to raise the price here; then the farmer can compete naturally on the foreign market; thus we enable him to increase sales in the foreign market and increase prices here at home.

The opposition said that by the devaluation of the dollar the rise in price was effected. Rather than take his word for it I would like to call your attention to a pamphlet from the Department of Agriculture which says, "The rise in prices can be due to some extent to the devaluation of the dollar and to other factors, but in a large degree must be attributed to the reduction of the surplus." Therefore, we say, that the foreign market should be separate from the domestic market, and we should allow the American farmer to compete more equitably on the foreign market as well as at home. Also soil rehabilitation would be an important result of

such measures; we therefore believe that the American government should control the production of cotton!

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NATIONALIZATION OF ARMS  
AND MUNITIONS

*An Annual Intercollegiate Debate*



## NATIONALIZATION OF ARMS AND MUNITIONS

### COLGATE UNIVERSITY AFFIRMATIVE VS. OHIO WESLEYAN UNIVERSITY NEGATIVE

The annual debate between Colgate and Ohio Wesleyan was held on the evening of April 8, 1935, at the Brown Township High School, Kilbourne, Ohio, thus turning the regular yearly meeting into an exhibition or extension debate project.

Nationalization of the Arms Industry is a companion discussion to the Prevention of International Shipment of Arms and Munitions used by the Pi Kappa Delta colleges as their National subject during the season of 1934-35. In a way it supplements the International Shipment problem admirably as it was difficult to make Nationalization a part of the International Shipment debate and yet Nationalization was recognized as having an important bearing upon the solution of the arms and munitions controversy.

The statement of the resolution here debated was, *Resolved: That the Federal Government should own and operate all facilities for the manufacture and sale of munitions of war.*

The speeches were collected and contributed to *Intercollegiate Debates* by Professor W. Roy Diem, Director of Debate at Ohio Wesleyan University, with the co-operation of the Colgate Debaters and their Debate Director, Professor J. V. Garland.

First Affirmative, Marvin A. Rapp  
Colgate University

LADIES AND GENTLEMEN: The debating team of Colgate University deems it a privilege to meet the team from Ohio Wesleyan in this annual forensic encounter. We want to thank the University and especially the

members of the debating team for the royal entertainment they have given us. Next year we hope to reciprocate this hospitality on our campus.

In order that both teams may approach this question in the most constructive manner, it is necessary for the first speaker to define terms. The most baffling words in the question, as the members of the opposition will undoubtedly point out, are arms and munitions. *The Congressional Digest* for November, 1934, defines munitions as follows: powder and other military explosives, guns, naval vessels, aircraft and aircraft equipment. However, we of the Affirmative do feel that this definition is an administrative detail which a board of federal experts could work out much more competently than we could. The fact that so many investigations on the munitions racket have been made, predicates the knowledge of what munitions really mean.

We of the Affirmative ask the adoption of this resolution because we feel that it is the only way of eliminating the nefarious practices of the munitions manufacturers. Furthermore, it is our contention and that of the authorities on this question, that the activities of these arms manufacturers endanger the peace of the world. More than anything else our generation desires peace. We want peace because we have no inclination to kill; and we care not to be used as cannon fodder. One way of helping to realize this peace is by removing the manufacture of arms from irresponsible individuals and placing it in the hands of responsible governmental

officials. In behalf of this move we are speaking this afternoon.

Although there has been just recently a popular awakening to this question, the munitions racket has been under investigation for many years. It has been interesting to note that each investigation has exposed the same inherent evils in the private manufacture of arms. Furthermore, in all our research, we have found no authority who denies any part of the findings of these various investigating commissions.

In 1913, Karl Liebhnecht, after thoroughly investigating the arms industry, made his report in the Reichstag. Public opinion was aroused all over the world by this sensational disclosure. It stimulated more investigation and publication on the subject. This report clearly showed the corrupt practices which resulted from the close connection of armament firms and newspapers, of armament firms and government officials. His exposures of the international intrigue of these "merchants of death" astounded the people of the world.

Following this, the Netherlands Anti-War Union, after its research, presented a report strongly adverse to the private manufacture of arms. This report and investigation gave impetus to the writing of many popular books on the subject. These books dramatized the more gruesome findings of this body. With each new investigation and each new book more horrible examples were presented.

In 1921 the situation was brought to the attention of the League of Nations. The Temporary Mixed Com-

mission of the League was asked to investigate the arms industry. When the evidence had been collected the members were in complete agreement that the manufacture by private enterprise of munitions and implements of war was open to grave objections.

More recently we have become acquainted with this subject of the manufacture of arms through the Nye Investigation. This commission has not only substantiated but has elaborated the findings of the Mixed Commission. It exposed a long list of abuses ranging from the unscrupulous methods in the promotion of foreign munitions sales, to stimulating arms competition and obstructing peace efforts. This implies that private interests may be so powerful as to compromise or control government policies.

That briefly is the history of the question. The root of the evil in the arms industry is the underlying drive for profits. This forces these private manufacturers to create war scares. We of the Affirmative believe that until the profit is taken out of war, until this present system of private manufacture is abolished, peace will be impossible and war inevitable. Only when the government assumes its rightful duty of supplying arms can there be any hope for peace. Allow me to summarize the indictments which have been placed against the private manufacture of arms by the League of Nations and the other committees which have investigated them. These indictments and the overwhelming evidence is so clear that the opposition will probably be forced to concede them.

We say, therefore, that the government should

manufacture arms and munitions because "private armament firms have been active in fomenting war scares and in persuading their own countries to adopt warlike policies to increase their armaments."

Allow me to illustrate very graphically for you how easily this is done. A few years ago an unknown Austrian, Adolph Hitler, a versatile paperhanger, tried in vain to establish a dictatorship in Germany. The first effort resulted in a one-man beer "putsch" in Munchen. He was subsequently released from prison as just another unfortunate fanatic. The years roll by! Hitler rants about a re-awakened, re-armed Germany! The world witnesses the birth of a tremendous Nazi movement. Food, uniforms, barracks, headquarters, flags are supplied. Remember, Hitler was only a paperhanger. These things require money. Did it ever occur to you how this interior decorator acquired the money? Millions of marks were supplied by the German Steel Trust. And millions were supplied by the potential rivals of Germany, the French, through their Skoda factory. Need I say more to show you why it is so impossible to attain peace in the world today under such conditions?

The second indictment which the League of Nations placed against the private manufacturers is that armament firms have attempted to bribe government officials at home and abroad. DuPont in his recent interrogation in the Senate admitted quite frankly that considerable palm greasing had been the practice of the arms manufacturers. We all recall the Shearer incident. Mr. Shearer was paid by some arms manufac-



turers in America to break up a peace conference. When the private manufacturers of armaments are attempting to sabotage all international peace efforts how can we ever hope to gain peace?

Thirdly, "the League says that armament firms have disseminated false reports concerning the military and naval programs of various countries in order to stimulate armament expenditure."

As a fourth indictment it is charged that "armament firms have sought to influence public opinion through the control of newspapers in their own and foreign countries." For proof of this let us look at the Schneider-Creusot armament firm of France. The president of this firm is M. deWendel. And who is M. deWendel? He is also a member of the Chamber of Deputies. And what does M. deWendel do? He serves his country. He urges her to arm to the teeth. And what else does he do? He owns the most nationalistic paper in France, *Le Temps*. And in this paper he attempts to stir up the hatred of the French people against hostile nations, he urges the people to spend more and more money on munitions. Why? So his company can make more money. This, Ladies and Gentlemen, is the way the munitions men further peace. This is why we say the rotten core of war is found in the arms industry.

A reason why we ask that the manufacture of armaments be undertaken by the Federal Government is that "armament firms have organized international armament rings through which the armament race has been accentuated by playing one country off against

another." This method of fostering the continuance of wars by certain firms selling to both sides has been exemplified ostensibly by the recent Sino-Japanese War, and in the Chaco dispute which is still in the process of slaughtering men. This is made possible by international armament rings. Vickers, Ltd., not only has a monopoly of the manufacture of armaments in England, but has established factories also in Canada, New Zealand, Italy, Japan, Roumania, Ireland, Poland and Holland. France controls the Skoda factory in Czechoslovakia. So you see how a few powerful men control the destinies of the countries of the world and how the peace of the world rests in the hands of a few men who have most to gain by creating war. Thus you can see the danger of profit in war.

As a sixth indictment against the armament firms we find that they have organized international trusts which have increased the prices of armament sold to the government. A rather amusing incident along this line is related by H. C. Englebrecht in a speech I was fortunate enough to hear. During the recent Sino-Japanese War, two competing companies decided that they were selling arms too cheaply to the belligerent nations. So on one fine, comparatively peaceful day when the killing was rather quiet, the two representatives assembled and decided on a price that would satisfy the greedy appetites of their respective companies. After they had accomplished that they returned to their countries and the war was again resumed.

Besides these six indictments which the League of Nations has compiled, we find many other examples of

how the armament manufacturers have attempted to create war fever. In every newsreel that appears in your local theater there is at least one, and usually more, scene on war and armaments. Why do the private manufacturers do this? They do it in order to instill us with fear, that the people will be more favorably inclined toward military expenditure.

The government at present is utterly dependent on these armament firms for its supply of munitions. A flagrant example of this is the story of Dr. Driggs. This gentleman invented a gun that was particularly fitted for the efficient obliteration of a great number of people. At the time in which the incident took place Mr. Driggs was attempting to sell his gun to the Turkish Government. But poor Mr. Driggs could send only photostatic copies of his gun to them because he had no ship in which he could take it across the ocean. Finally the Turkish Government said we must see the gun in action. Mr. Driggs didn't know what to do. Finally he had a brilliant idea. He dashed to the phone and called up the Secretary of the United States Navy and asked, politely, however, if he would lend him a ship to take his little gun over to Europe. The Secretary of the Navy sent one of the larger battle ships to Mr. Driggs' assistance. Such absolute dependence of the government on the arms industry is a dangerous condition.

Ladies and Gentlemen, in the face of such convincing evidence, I believe it is clear to you that this malignant influence which adds fuel to the fires of unrest in the world must be removed. Until the profit is taken out

of war, until the private manufacture of arms is abolished peace will be impossible and war inevitable. The first step toward attaining peace is the nationalization of the arms industry.

First Negative, Cassius M. Fenton  
Ohio Wesleyan University

LADIES AND GENTLEMEN: As a representative of the Ohio Wesleyan debate team, I wish to take this opportunity to welcome the debaters from Colgate University. We are more than glad to meet them both on the debate platform and socially. It is with great pleasure that we have anticipated their arrival and now that the audience has had a chance to hear them, it should explain some of the trepidation that has accompanied our anticipation.

Before the Negative team presents its case, we should like to have the audience understand our position. We are for world peace. We wish as fervently as does the Affirmative for the realization of this world peace. Likewise, we believe in the underlying motto set by the Affirmative team, namely: "Take the profits out of war." From this it can be seen that both teams have the same goal in view, but the method of obtaining that goal leads us far apart. We admit that there are many evils involved in the private manufacture of munitions of war. The Affirmative team must be congratulated upon presenting these faults so ably. It is, however, from this point on that we disagree most heartily with our opponents.

If you will recall with me the statements made by the preceding speaker, you will realize that his whole speech is based upon the assumption that the private manufacture of munitions, the "munitions maker," is the important cause of war. This is not so. I quote from Professor Shephard of Ohio State University, who in a recent discussion held on our campus said, "The major causes of war are racial hatred, economic rivalries and territorial expansion." These are national problems and the Affirmative wishes to make them more acute by adding more gasoline to the fire in the form of nationalizing the munitions industry. We can see from this that the real issue in this debate centers around the question, "Should we have governmental ownership or governmental control?" The Affirmative team has said that they stand for governmental ownership. We of the Negative are opposed to this and wish to propose in its stead a plan of governmental regulation.

Let us just see what faults this proposed plan of nationalization has. First, it is basically unsound and illogical because (a) it will not tend to reduce the chances of war, and because (b) it will constitute the socialization of one industry in an economic order that is built on the basis of competition.

In regard to the first fault, let us examine a few questions proposed by Walter Lippmann in his news column of December 17, 1934: "Can a line be drawn between the munitions of war and commercial products?" We will discuss that a bit later. "If munitions plants are nationalized in the United States will they

also be nationalized in Britain, France, Italy, Germany and Japan? If they are nationalized in these countries will the countries having no munitions plants be forced to build munitions plants, or will they have to attach themselves as allies to munitions-producing countries?" Here we have the *crux* of the international problem repeated. Our opponents condemned such practices as causing war, bribing officials, lobbying, spreading false information and the like on the part of individuals. But they do favor it on a national scheme. Nationalization is going to bring forward the very complications that Mr. Lippmann has pointed out and these in turn will revert to the very policies which we mutually condemn.

In regard to the second part of this objection, we ask, "Are we to look forward to socialism? Is not this step incongruous with the rest of the political and industrial set-up in America?" This argument is also closely connected with the former one. Russia has an intensely nationalized munitions industry and nowhere is there any nation more eager for a fight than is Russia. This is certainly not reducing the chances of war, and I am sure that we do not wish to follow the example set by that country. Added to this is the fact that nationalization will create a new and vast army of workers whose sole interest will be the manufacture of munitions. Instead of getting away from wars it is going to be to their benefit to have wars—surely a move in the wrong direction.

Our second objection is that the plan is impractical. There are four reasons for this: (1) There is no true

munitions maker in the United States; (2) munitions compose but a small percentage of the output of industry's total production; (3) the cost would be tremendous and the results unsure; and (4) politics and inefficiency would be bound to creep in.

In order to substantiate our first two reasons, I quote from page 11 of the *Army Ordnance Magazine*, June, 1934. "The Bethlehem Steel Company produces 36/100 of one per cent of its gross output in the form of munitions. The Remington Arms Company has not produced a single military firearm since the war. The Colt Arms Company, which during the war employed 10,000 people in the production of machine guns, now employs 700." Also we must consider the usefulness of some of these very companies that would be stopped in order to allow this nationalization. For example, there is the DuPont Company, which makes nearly all of the cellophane used, and the Eastman Company, which is renowned for its kodaks. We all see here the gigantic problem which faces the proponents of nationalization. Who is going to decide just which companies are going to be taken over by the government? We say that it is an impossible task. If you remember, it is even one of the questions asked by Mr. Lippmann.

A further impracticality is the immense cost involved in putting this plan into effect. It would necessitate tremendous expense on the part of the United States Government. Figures are hardly imaginable when we consider the following facts obtained from the *Congressional Digest* for January, 1934: "During the World War there were over 7000 plants in the United

States producing munitions. Private plants produced ninety-five per cent of the munitions used by the United States."

It is also our claim that politics and inefficiency would creep in. During the late war, the railroads were practically ruined as a result of being put in the hands of the government. Another example is the great number of levies and the vast amount of money that was lost when the army took over the flying of the airmail routes last year.

Our third and major objection to their plan is that it falls down in the very phase which the Affirmative is stressing. Every time my opponent would bring out a new point he would show how the eradication of the profit motive in war would do away with the evil. But, the very plan they propose does not take all the profits out of war! A review of profits listed from the last war shows us that the huge incomes were derived in such industries as food, clothing and even horse bridles. The profits of the "munitions makers" pales to insignificance beside these industries. Nowhere has the Affirmative plan touched these vast profits which the Affirmative themselves have said must be destroyed. When they have left these industries untouched they have also left untouched the very evils of private manufacture that both teams have condemned from the beginning. In other words, they will have accomplished nothing.

Therefore, because we contend that nationalization of the munitions industry does not remove the causes of war, and because it is impractical and would be



enormously costly, we contend that it should not be adopted. We intend to show that the sane and logical method of solving the problem that grows out of the private manufacture of munitions of war is to subject that private manufacture to government regulation, not government ownership.

The Affirmative team seeks to take all the profits out of one industry, while we on the other hand wish to take the excess profits out of all industries. It is only by this means that we can hope to attain our goal.

Second Affirmative, Otto C. Nord  
Colgate University

LADIES AND GENTLEMEN: It has been amusing to me that in the arguments of our opponents, we have heard them accuse us of overlooking the secondary industries in the plan which we proposed. It is, of course, a trivial matter but in justice to our position in this argument, we believe that we should point out to the audience that as yet the Affirmative has proposed no plan for the solution of the problem. Rather, we have concentrated the efforts of our first speaker solely in establishing an airtight case of indictment against the munitions maker. Hence, we believe it unjust of our opponents to talk about the shortcomings of any plan until they hear it.

It has also been very gratifying to hear our opponents admit that the indictments which we have noted are valid and that they are serious enough to demand a change. Hence, we believe the audience should be-

come aware of the fact that this discussion is to develop into the consideration of the best means of solving the problem.

There may be the same feeling to the effect that there are other solutions to this problem than nationalization. However, we feel that any proposal that allows private manufacture to remain in our system, regardless of regulations, will be unsuccessful in solving the problem because the government is being made to discipline something upon which it actually depends for its very welfare. In other words, we are asking the government to bite the hand which feeds it. Specifically, you are asking the government to administer punishment to an institution upon which it depends for its national defense.

Professor Ralph Stimson, formerly Assistant Professor of Political Science at the University of Vermont, has divided the industries into four categories: pure arms, balanced, convertible, and pure peace industries. We propose that the government would own and operate all of the pure munitions industries. The balanced industries would become a thing of the past for they would be prohibited from manufacturing any arms or munitions of war. Hence, they would find it necessary to divert all of their energy to the manufacture of peacetime articles. The convertible industries would come directly under control in order that the government could closely scrutinize their activities to insure that they could not at any time be engaged in the manufacture of arms and munitions.

Professor Stimson, writing in the "Stabilization of

Peace" number of the *Proceedings of the American Academy of Political Science*, January, 1935, explains his viewpoint of the proposal and substantiates our position in this discussion:

"Nationalization of the shipbuilding industry as a whole rather than nationalization of the warship-building aspect of this industry, of the chemical industry as a whole rather than the explosives aspect of the industry, would have several advantages. Like the proposal to nationalize the manufacture of armaments it would eliminate the armament sales methods which are so provocative of war. Nationalization of whole industries would be a more effective means of eliminating the profit motive from armament manufacture and war than would mere national manufacture of specialized armament because presumably it would extend to parts and raw materials as well as to the completely manufactured weapons and munitions. Nationalization of whole industries would not create new armament interests nor further expand industrial plants capable of the production of armaments. The proposal to nationalize whole industries, theoretically, would not weaken the country which took it alone. It would retain the organic unity of the industry rather than divide it unnaturally. It would permit the rapid and great expansion of war materials production while removing personal financial incentives to such expansion."

Furthermore, we of the Affirmative realize that pure peacetime manufacturers do make an unusual amount of profit in times of war. It may be suggested by the opposition that these peacetime industries might find

it possible to engage in the same practices as the munitions men. To offset this idea we propose that a 100 per cent tax be placed on all wartime profits so that the manufacturers would actually lose money in proportion to their average profits. As a result of this proposal we feel that the private peacetime manufacturers would actually agitate movements against warfare in order to protect their average peacetime profits. Some people may feel that this is a very drastic measure, but disregarding completely all the evils such as war scares, we still feel that such a measure is justified on the ground that industries should be run at cost in the time of war in order that emergencies may be met without any additional burden of paying for profits. We firmly believe that profits should not be made from the spilling of blood. Our opponents may claim that this plan is all theoretical, that it has several defects, that it will not eliminate all of the evils of the present system of supply. Ladies and Gentlemen, we shall admit these charges, we shall admit that we have no panacea, but we hold firmly to our conviction that at least we are working upon a sound principle and that we are starting a movement and a feeling which will strike a death-blow at the very rottenness of the whole system of supply of munitions of warfare and even the very system of war itself. We ask you members of the audience to notice whether or not the opposition attacks us on administrative details of our plan or whether or not they attack us on the soundness of the principle of our proposal.

In summarizing what has already been proposed by

the Affirmative may I say this? The plan we proposed we feel is desirable because it meets the fundamental problems which are facing us in munitions industries today. Mr. Rapp has presented an airtight case of indictment against the private manufacturers. The opposition has conceded the entire first speech. Hence, we are on neutral ground in regards to this situation. We have both admitted that the profit motive is the root of all the evils of this system. The Affirmative proposal is the only one which has been courageous enough to strike at the very evil itself. We have proposed that this evil be eliminated completely, hence, destroying the absurd relationship between business and government in the munitions industry. With the destruction of this relationship we have completely obliterated all of the activities of the munitions men such as the fomentation of war scares, the prolongation of wars and the destruction of peace movements. Furthermore, we have eliminated the evils of bribery and lobbying within the United States borders and we have made it profitable for the peacetime manufacturers to discourage war, hence, striking again at the activities of the munitions men. We have removed the pressure of the secondary industries by proposing that the government take over sufficient secondary industries to maintain its own adequate national defense. Therefore, in conclusion, may I say that the state of the arts demands a change from the private manufacture of armaments. Since nationalization is the only successful plan, since it removes the profit motive, we feel that nationalization of the arms industry should be effected in the United States.

Second Negative, Oliver Mansfield  
Ohio Wesleyan University

LADIES AND GENTLEMEN: Thus far in the debate this afternoon it has probably become evident that the issue in this question is not whether to punish the munitions manufacturer—both sides are agreed that something should be done regarding his nefarious activities—the real issue in this debate is *how* to take the excess profits out of wartime production of industry and thus remove the incentive to instigate wars.

The first Affirmative speaker has plainly shown that the principal evil of private manufacture is the lure of greater profits, and the terminology of the question, "the Federal Government should own and operate all facilities for the manufacture and sale of munitions of war," indicates clearly that the remedy the Affirmative must advocate is essentially a plan of nationalization of the munitions industry. Yet, the second Affirmative speaker has betrayed, perhaps, his lack of confidence in the ability of the nationalization scheme to cope with the problem by attempting to supplement that plan, by trying to read into it the words, "government ownership and operation of all facilities for manufacture and sale of munitions of war," the additional sense of "government control of any other industry not otherwise taken care of." We of the Negative claim that the Affirmative team this afternoon must defend the question as it is, not as they would like to have it stated; we insist that they must uphold the plan of government ownership and operation, as stated in the question, as their

tions. Government control does not fall within this classification; if it did we would perforce admit that the Affirmative had an impregnable case, for government control is essentially what we of the Negative propose as a counterplan to the nationalization scheme which the Affirmative must, by virtue of the wording of the question, hold to.

The method, then, which the Affirmative must advocate this afternoon would take the munitions industry out of private hands and socialize that one industry. We of the Negative insist that this plan is ineffective and does not solve the real problem for the reasons given by Mr. Fenton, the first Negative speaker. Since we are sure that the nationalization of the munitions industry is not the correct solution to the existing problem, we of the Negative are offering a counter-proposition which not only avoids the flaws of the Affirmative's proposal, but has several definite advantages of its own and in the end strikes deeper into the matter.

Before I compare the relative advantages of the two plans, however, let me give you a brief history of the evolution of the Baruch plan, the plan of the Negative, and give you some of its essential features.

The plan was devised in 1918-19 by Bernard M. Baruch, chairman of the War Industries Board. It provided that in time of war *all* industries should be subject to governmental control. This regulation would (1) establish production schedules, (2) freeze prices, (3) fix wages, and (4) fix a maximum normal profit by slapping on a stiff income tax. The Baruch plan was submitted to President Wilson and was par-

tially put into operation when the war ceased and the matter was dropped. Since then it has come to the attention of every President and has been approved. At the present time there are in Congress two bills which contain the essential features of the Baruch plan, in that they apply to all industry and are regulatory in nature. According to Senator Nye, the Flynn bill, one of these two bills, is gaining more popularity daily in the Senate.

It is a plan with such a background that we of the Negative propose it in place of the nationalization plan which the Affirmative are bound to uphold. It is this product, with long time thought and consideration of some of the most eminent of modern statesmen as its qualification, that the Negative advances this afternoon.

But the strength of the Baruch plan lies not so much in its history as in the fact that it strikes more deeply into the roots of the whole matter, without presenting any of the faults of the nationalization scheme. The first Negative speaker showed you definitely how, among other things, the Affirmative plan would necessarily introduce the socialization of one industry in a society which is essentially capitalistic. Under the Baruch plan, however, socialism—namely, government ownership of the means of production—would be avoided. In time of peace what little manufacture of munitions there may be by the private manufacturer would be licensed as would the sale and shipment of any munitions to foreign countries, but the industry would not be socialized. In time of war the munitions



industry would not be taken from private hands. If it were taken over by the Federal Government we would have one more instance of the inefficiency of government operation. We of the Negative are convinced that the manufacture of munitions should be left in private hands in order that we may profit by the efficiency of private operation under government control. Thus you see the Baruch plan of social control would accomplish the same results in keeping us supplied and the others without munitions as the Affirmative plan of nationalization, but this would be accomplished under the Baruch plan without running into the dangerous plan of socialization.

Let us next look at the two plans in relation to their relative costs to the Federal Government. The first Negative speaker pointed out to you the enormous amount that would be necessary to buy all the munitions plants of the country (confiscation is constitutionally out of the question). He showed you, too, how costly it would be to let those plants lie idle during times of peace. On the other hand the situation under the Baruch plan is much more assuring. As we saw during the last war, industrial plants may be easily converted into munitions plants and at the end of the war turned back into the production of peacetime goods. Under the Baruch plan plants can easily do this and will not figure up any depreciation costs for lying idle. Under the Affirmative's scheme of government ownership of all munitions plants the Federal Government would technically have not only to buy the 8,000-odd plants which were used for the manufac-

ture of munitions during the last war, but in addition, to suffer the depreciation cost of at least ten years in the vast majority of those plants. It is as if you had a football field that was used once in ten years. You have the choice of keeping that field in shape for the entire time, yet nothing to use it for, or let it idle away and not use it at all when it could be used to such great advantage in an entirely different pursuit; but under the nationalization plan these plants cannot be returned to their original following under the government management without socializing our whole economic society.

These two advantages, namely, the evasion of socialism and the comparably insignificant cost, alone would more than justify the adoption of the Baruch plan as against the nationalization scheme of the Affirmative. But temporarily disregarding these we still have the strongest point of the Baruch plan left.

The Affirmative plan this afternoon must be, as the question states, the nationalization of the munitions industry to take the profits out of war. Such a plan presupposes that it is only the munitions industry that makes any excess profit from wartime activities. As a matter of fact the munitions industry is only one of all the industries of the United States that makes between two hundred and three hundred per cent profit during wartime. Therefore we of the Negative maintain that while we are at it we should take the excess profits out of all industries by putting them under the strict control of the Baruch plan. Don't misunderstand us, however. We do not and would not under any circum-

stance take all the profit from industry during wartime. An allowance of approximately six per cent is given under both the McSwain and Flynn bills before the one hundred per cent income tax rate is levied. This is a justifiable profit which advocates of the plan are convinced gives the necessary stimulus for private initiative to function fully. Profit is thus low enough not to give an incentive to foment war, yet high enough that, in case of war, it will stimulate industry to supply our needs.

In the past ten minutes I have shown you the distinctive features of the Baruch plan of social control of industry during wartime. Recall with me how I showed you that the Baruch plan accomplished the same thing that the Affirmative's proposal of nationalization without introducing socialism or without involving any appreciable cost compared with the tremendous sum that would be necessary to nationalize the munitions industry; and, finally, how the Baruch plan conscripted the excess profits of all industry, not solely that of the munitions manufacturer. It is for these reasons that we of the Negative so urgently recommend that the Baruch plan of governmental control be adopted rather than the Affirmative plan of nationalization, as the real and only remedy to remove the existing evil of industry capitalizing while you and I as individuals die on the battlefield.

**Third Affirmative, R. Burdell Bixby**  
**Colgate University**

LADIES AND GENTLEMEN: We are told by the sages throughout the ages that the longer we live the more we shall learn. I have certainly broadened my own education listening to the arguments of the opposition for I am a student of political science and I was more than happy to learn that General "Huey" Johnson and Mr. Barney Baruch are among the "foremost of modern American statesmen." I wish Huey Long could be here to hear that statement because I feel that he, too, would have been greatly impressed with the novel idea of the gentlemen of the Negative.

I am reminded of the story of the father and son who were making their first visit to the chambers of the United States Senate. Prayer was being offered at the opening of the session when the youngster asked his dad if "that man had looked at the business of the government and was praying for the Senators."

"No," replied the father, "he looks at the men and prays for the government."

Thus far today we have listened to the indictments of the present system of the supply of munitions. We have found that both sides of this debate agree that a change is necessary, and you have heard the opposition say that they agree in substance with what Mr. Nord has proposed. We are totally unprepared for such an admission because, if such is the case, we have nothing more to prove in this discussion. The Affirmative has proposed a verticle trust with the government acting as

the sole owner and operator. We have further proposed that all private manufacture of arms should be abolished and that the convertible industries should come under government control as a means of scrutinizing their activities. Furthermore, we have suggested that a one hundred per cent tax be placed on all war-time profits in the pure peacetime industries. If the gentlemen agree in substance with this proposal we are certainly very grateful to them for collaborating with us in attempting to find a solution to the problem. However, despite the fact that the Negative has made such a "conciliatory" statement they have continued to attack the proposal we have made. Such a situation necessitates the making of one of my favorite remarks if the opposition will allow me to make it without taking any personal offense. It does seem that the opposition is "inebriated by the exuberance of its own verbosity rather than concerned with preserving the integrity of its intellect," and I say that with my apologies to Disraeli for I am indebted to him for some of those choice words.

The Affirmative has proposed nationalization because it is the only plan which will effectively solve the problems which are facing us today. However, we further believe that our proposal is necessary because it retains the necessary elements of a system of supply. First, it does respect the sovereign rights of the smaller countries and it does maintain an adequate national defense. If you will pardon me, I shall discuss the problem of national defense first. The Negative has said that you wouldn't nationalize the arms industry

because wars do not occur frequently enough to justify the government's owning and operating its own factories. They have said that you wouldn't create a football field and then use it only once or twice in ten years, because it would be a complete waste of money. If such were the case, the Affirmative would be happy to agree with the Negative, but as long as we admit that a game is to be played, we must win. If we are to win we must have a team which is prepared for the game, and if we are to have a team prepared we must use that field for practice. Hence, we must not ignore the element of maintaining an adequate national defense in considering nationalization. The government would continually have to meet the needs of supplying the peacetime preparations of the army, hence the argument that the government arsenals would be inactive and would be used "only once in ten years" is the nearest relative to absurdity. An Associated Press dispatch from Vienna on December 6, 1934, explained that the Austrian government was trying to buy arms and raw materials from private interests within the country. But when the government got there, the cupboard was bare because the private profit motive had urged the private interests to sell to Germany. Hence, the Austrians had to go wanting because her own merchants would rather sell to Germany than to defend their own country.

National defense under private industry is certainly very unsound. We can never tell when the same condition may result in the United States. We of the Affirmative have come to the conclusion that when the

profit motive and patriotism are conflicting, the profit motive will predominate and patriotism will be shoved to the background. From this observation, we are convinced that the government should nationalize its arms industries immediately in order to assure itself of an adequate national defense. Russia with her private manufacturers prohibited is able to maintain an adequate national defense, hence we believe that the United States should act immediately to preserve its own status in this world of nationalism and threats of war. We readily admit that it will take time for the government to take over this huge function, but we are convinced that it can be done because already the government is operating a number of its own arsenals. We believe that we have pointed out the soundness of the nationalization principle in connection with the adequate national defense. Likewise, we believe that the Austrian experiment proves the instability of the defense under private manufacture. The time to act is now, before any is reached—then if a crisis arrives we shall not be found wanting.

Whenever nationalization is mentioned it is argued that the smaller countries will not be taken care of adequately. However, we fully recognize the importance of this argument. Our opponents have asked us what will happen to the smaller countries that cannot manufacture their arms. We may ask them what happens to those countries under the present system? Our answer is that they do buy from the producing countries. Under nationalization we believe the smaller countries will still make their purchases from the pro-

ducing countries. The smaller countries depend upon the good will of the governments today for their arms supply. Germany, for example, attempted to buy sixty fighting planes from a private manufacturer in England. However, when the British War Ministry learned of the deal they placed an embargo on the shipment of the planes—and Germany was unable to buy because the good will of the producing nation was lacking. Under nationalization the non-producing countries will still buy from the producing countries, depending upon the same good will which they depend upon under the system today. If the opposition believes that we are changing this status of the smaller countries, they are sadly mistaken.

The international shipment of arms and munitions will continue with the restrictions noted in the League of Nations treaty of 1925. This treaty which was ratified by the United States Senate this year provides that the various countries of the world recognize the problem of international shipment and attempt "to confine it to the proper channels." It also provides for an international board of publicity which will attempt to remove the secrecy and suspicion which is prevalent in the present system. We of the Affirmative clearly recognize the failure of internationalism, but we wish to point out that this board is not attempting to force any one to do anything—all they are attempting to do is to examine and investigate the situation. The work may have its shortcomings, but, Ladies and Gentlemen, it is a tendency in the right direction and at least it is



an attempt to do something constructive in the way of solving the problem.

Furthermore, all of the indictments which commissions have brought up against international sale can be directly traced to the profit motive. When we nationalize the industry we shall have removed the inherent evil force in the international sale and the international board shall be attempting to dispel some of the suspicious nationalism which is running rampant throughout the world today in an attempt to further international friendship and good will.

I should like to stress the fact that under the present system there is no treaty, no law, no effective restriction upon the activities of the munitions manufacturers whatsoever. They carry on their activities under the guise of the good Samaritan of the government—and yet they laugh and have light hearts when the reports of great military disasters are published. Why shouldn't they? It means business for them. We ask that nationalization be effected so that a country can hold the other countries of the world responsible for the activities of the munitions plants within their own borders. Of course, we hope that all of the countries of the world will adopt this policy of nationalization—but in this debate we are primarily concerned with the United States. In the past when a private manufacturer in the United States fomented a war scare in the Pan-American countries, it could always be explained that the government learned of the act after it had been done and could do nothing about it. Under nationalization, all of this foolishness will be eliminated

because the activities of the munitions men will become a part of the country's foreign policy and the other countries of the world will have at least a moral check upon the activities of this industry. When the other countries adopt the plan, the entire industry throughout the world will be checked; that is more than we can show you today. Then there is still a more effective check on these activities. When we make the government responsible for the munitions activities, we make it necessary for the various political parties to insert their policies in the party platforms and the American electorate will pass judgment upon the activities. If things aren't being run in tune with public sentiment, if the United States is carrying on an aggressive policy in some respect—the public must approve or else the administration will not be re-elected. We shall again admit that the check may be slow, that it has its shortcomings, but at least it is a direct check upon these men. It makes it necessary for the government to act in accordance with public opinion, and "you can't fool all of the people all of the time." The profit motive will have been removed, hence the propaganda machines will disappear and we shall have made another constructive step. Today we can hold no one responsible for what goes on in this industry. We may become enraged at the practices, but what can we do about it, the government must be defended, hence it cannot be too harsh with these men; and so we all sit idly by and grit our teeth. It is high time we nationalized this industry and made the government responsi-

ble for these outrages, then possibly we could show at least a tendency to stop them.

Our opponents have asked us how we can draw a line between certain industries to be taken over in the nationalization project. They have asked us how much it will cost and they have placed any number of snags in our path, but they have at no time attacked the principle itself, except to brand it as socialism. Now, Ladies and Gentlemen, the United States Government already owns and operates a number of its arsenals, all we are asking is that it take the responsibility of running the entire industry. Some time ago the governments hired soldiers to fight for them, mercenary armies were paid by their plunder. However, the government now maintains its own army and has developed it into a strong weapon of defense. Our proposal merely asks that the government recognize the importance of maintaining its own supplies; does that sound like socialism? Every time the government has attempted to take over some private industry those people who must give up their choice positions cry, "Socialism," and then the public frowns upon the idea. Merely because we ask that the profit be taken out of an industry for the protection of humanity should we be frightened by the cry of socialism? Looking at the situation from another point of view; if we could eradicate all of the evils of warfare and destroy the irritating force which is in our system of supply of munitions, wouldn't you be willing to adopt a socialistically inclined policy? I am sure we would all be willing to

sacrifice some small amount of our freedom to preserve the lives of thousands of youthful citizens.

We shall readily admit that it will be difficult to determine whether iron is going to be used in guns or railroads. We shall admit that it will be difficult to determine whether nitrate is being used for munitions or fertilizer, but are we going to throw out this fundamentally sound principle because it is going to be difficult to set up the administration? Some time ago we had no laws forbidding murder in the United States. However, we didn't allow this situation to continue simply because we found it difficult to administer. We learned that if a man was killed in an automobile accident, that if a man was shot for attacking another man's wife, or that a man was killed in a prize fight, different punishment was necessary. In each case a man was killed, yet we didn't say that the individual responsible for the death should be electrocuted in each case. Absolutely not. We studied the case, appointed experts to iron out the administrative difficulties, and determined whether or not the individual should be electrocuted, given life imprisonment or twenty years. Simply because we found it difficult to draw a line between murder and accidental killing did we throw out the law forbidding murder? Of course not. We must determine the soundness of a principle, then we can worry about administrative difficulties. Such is the case in this discussion of nationalization; we must not be frightened by the snags thrown by the Negative. The very fact that the opposition has refused to attack

the *principle* of nationalization shows us that the policy is sound.

In summarizing the case for the Affirmative, may I point out to you that the Negative has admitted the indictments which the first speaker of the Affirmative has presented. The Negative has admitted that a change is necessary and that the profit motive is the root of the evil. Yet they propose to retain the very relationship which is corrupting the present system. The opposition has followed the mass of private manufacturers in crying for a bit of regulation. Why? The reason is that they know regulation will not and cannot be effective. The Negative has admitted that the criminal is guilty but they propose to spank him and send him out into the world again. The Affirmative has presented a strong case against the munitions man, we have proved him guilty beyond a reasonable doubt, and we ask that he be given the death sentence. We ask that you nationalize the arms industry and destroy the relationship between the government and the arms business. We have presented a proposal which removes the profit motive and does not create a new class interested in fomenting war scares. We have made it profitable for peacetime manufacturers to agitate against war, and we have retained the necessary elements of any system of supply of munitions. We have provided for a sound national defense, we have respected the sovereign rights of the smaller countries, and we have fixed the responsibility for munitions activities in the government. Finally, we have placed a double check upon the munitions activities by making

them a part of the United States foreign policy. In conclusion, we have pointed out that nationalization is the only solution which will effectively solve the problem. We have admitted that we have no panacea, but we maintain that we have advocated a constructive and practical proposal. It may cost a lot, but after it is effected we shall have all of the benefits of the present system without any of its present evils. For these reasons, we believe that the Federal Government should own and operate all the facilities for the manufacture and sale of munitions of war.

Third Negative, Stuart Keckeley  
Ohio Wesleyan University

MR. CHAIRMAN, FRIENDS: I am sure that you have all enjoyed listening to Mr. Bixby; I know that I have. He seems to be able to adapt himself to any situation. In fact, I have heard a story about Mr. Bixby's ability along this line that may be of interest to you. It seems that last year Ohio Wesleyan debated Colgate at Colgate and that during the course of the debate one of the Colgate speakers waxed extremely eloquent. He was just reaching a very effective climax when, lo and behold! he fainted. However, the debate was not long interrupted for our friend, Mr. Bixby, was sitting in the front row enjoying the debate and he immediately jumped to his feet and helped his less fortunate friend to a chair and went on with his speech. And so it is today, he seems to be going on and on.

Now there was also something else that came into

my mind concerning Mr. Bixby as he spoke. There come upon me the feeling that if he were in a contest wherein the object was to shoot a pea off of a tin can he would choose to aim at that pea with a shotgun and buckshot. Why, you ask? Well, because he threw out so many arguments during his speech; he touched almost every topic that has been mentioned during the course of the debate, whereas we feel that it is our duty to go to the root of the problem and to confine ourselves to that and that alone.

The problem as you have no doubt gleaned by this time is to find the most satisfactory way of taking all the profits out of war. The Affirmative propose to do this by nationalizing one industry alone—the munitions industry. On the other hand, we have pointed out that this plan is costly, would be inefficient, tends toward socialism, and yet does not remove all the profits of war. And as a counterplan we have proposed a plan embodying the features of the Baruch plan. Mr. Mansfield has told you how the plan would work and did work during the closing months of the last war. Now I would like to consider one more feature of this plan.

As you will recall, Mr. Bixby stated that most Negative teams contend that under nationalization of munitions the nation is not adequately defended. He even seemed pleased that we had not made such a contention. Well, I am sorry, but we shall have to blast Mr. Bixby's hopes, for we are no different from the usual Negative team in this respect. We do contend that our national defense is inadequate under a policy of nation-

alization and that an adequate defense can be maintained only under our proposal.

The Affirmative, this afternoon, have concerned themselves with maintaining the production of death-producing instruments and equipment for our army, navy and air forces. However, Ladies and Gentlemen, we learned from the last war that such conflicts are not won by armies and navies alone, but by populations and nations as a whole. It takes machinery, clothes and food to win a war—not munitions alone. A statement made by Napoleon, which is true both literally and figuratively, illustrates this point very well. He said, "An army moves on its stomach."

And so it is—we need the co-ordination of all activity in time of war; co-ordination that can come only with a national organization such as would swing into action the moment war was declared—an organization similar to the one outlined so well for you by Mr. Mansfield.

Now let us return again to the central problem—taking all the profits out of war. We maintain that the Affirmative do not go far enough; that they are dealing with only a very small part of the problem. General Johnson, writing in the *American Magazine* for this month, has this to say concerning the importance of the munitions industry alone in comparison with all industry and the profit motive when viewed from a national standpoint. "Of the three profit-motives for war—those of the professional munitions maker; those of the citizenry of an industrial country; and those of an industrial country depending on export trade—the first compares with either of the latter two as a green



pea to the known globe." We maintain that any plan to be worthy of consideration must embrace the whole situation and not just one phase of it; especially when that one phase is a minor part.

Naturally we will hear a howl of horror from capitalists, industrialists, and various other vested interests. But, if the bills now pending in Congress embodying the features which we have mentioned can be passed we shall automatically enlist these very interests in our cause. They too will vehemently denounce war and work for its abolition.

No doubt this whole debate has seemed to you rather involved and complicated. It may seem to you that we are both working for the same thing in much the same way; however, I assure you that such is not the case. Perhaps I can demonstrate the positions of the two teams to you by telling you something of our week-end life at Ohio Wesleyan. It is the custom here to go to Columbus frequently in order to enjoy a show or some other form of relaxation. Now let us liken our goal in this discussion—taking all the profits out of war—to our destination—a show in Columbus. We of the Negative believe that we should embark for Columbus and go there immediately; that we should not tarry on the way. Our friends from Colgate, however, while they have in their heads the idea of eventually getting to Columbus, are stopping at small towns along the way such as Stratford. In other words they miss the show and are stranded in Stratford. Going back to the question—the gentlemen from Colgate fail to reach their goal because they are upholding a plan that fails

to cover the whole problem—they do not take all the profits out of war. We contend that peace cannot and will not be a reality until this is done. Let us go the whole way, now.

Negative Rebuttal, Cassius Fenton  
Ohio Wesleyan University

LADIES AND GENTLEMEN: Now that almost everything has been said it remains for me to conclude by summary the case presented by the Negative team and at the same time clarify the charges made by the Affirmative against our proposals.

The Affirmative side has repeatedly made the statement that nationalization is the only policy. They have also used as reference the Senate Investigating Committee. Let us quickly consider another statement of this committee which was made in the *New York Times* of December 12, 1934. "On one question the committee will be unanimous, that conscription must include industry as well as man power. In case of industry, this must not involve government ownership or operation."

In the same paper and article is the following finding on the part of the committee after its December work: "The ridiculous idea of trying to limit profits by undertaking the valuation of thousands of manufacturing plants when there is so clearly demonstrated inability of the industry itself to agree upon what constitutes valuation." This turns us to my next point, namely: the cost and the necessity of differentiation between

industries. The Affirmative have very cleverly avoided coming to any decisions upon this issue. They have offered a very fine classification of industry. It will be great to have the government take over all "pure arms" companies, but so far we have not heard the name of one purely "munitions manufacturer." Further, how can we separate or even take over the convertible industries? Let me list some of the companies in this category and you will see how absurd his reasoning. They would draw a line between such industries as Bethlehem Steel, Republic Iron and Steel, Crucible Steel Company of America and Otis Steel Company. These companies with their subsidiaries, only a part of a list of twenty-one such organizations which are listed in the *New York Times* of March 30, 1935, would have to be held down. Another aspect to this problem is the fact that one piece of machinery such as that used in Remington Typewriters can be used also in munitions, as in my example of machine guns. Just what is going to be done in situations like this? I, personally, being in college would hate to give up my typewriter as I am sure would my opponents. However, under their plan the production of such objects would probably have to be stopped because they could be called munitions.

Also they have not cleared up the situation of the small country. No adequate consideration has been given to it in their plan. On the other hand, we see that nationalization merely leads us once again to the troublesome international entanglements that were found before the World War. These small countries must have arms and they will have them at any cost.

The Affirmative overlooks that point because it brings back the very things which their first speaker condemned.

They are still trying to take the profits out of war. They say nationalization of munitions will not to a great extent introduce socialism. They also say that in order to work their plan the government will take over all processes from the raw materials to the finished product. I ask you who collects the profits from the raw materials? Those people will not remain passive when they see a chance to reap such a harvest, especially when their industry is the sole source of income to them. Nor can the government take over the sources of supply too and still exist as a non-socialistic government.

We have been confronted with the charge that our proposal cannot work, that its philosophy is wrong. We deny the charge. In fact, as our second speaker has said, the plan of governmental regulation we propose did work and worked well in the closing years of the last war. After that time it was abolished. As we have pointed out, it is a better policy than the Affirmative one. To give you one reason, let me point out that under the Affirmative plan, with a set number of plants and the like, the industry would be unable to expand in time of emergency. Our system is not subject to this criticism.

As a result of all of this we see that the Affirmative team does not remedy the very faults which they have denounced. We have seen how their plan is illogical because it does not reduce the chances of war and be-

cause it leads to a socialistic institution that would be unwise. Second, we saw that their plan was impractical because industry cannot be put into the necessary divisions for the adoption of their plan; that it would cost too much and it would allow politics to become more rampant. Third, we condemn it because it does not take the profits out of war. On the other hand, we have given a plan which has been successful in the past. We have shown its points and their relative merits. Our plan freezes prices in war time, it would seize excess profits in times of war by taxation, and it creates machinery for the swift mobilization of the nation's industrial resources in times of conflict. We further demonstrated how this plan would strengthen our national defense to a degree that the Affirmative proposal cannot obtain.

It is for these reasons that we of the Negative contend that the Federal Government should not own and operate all facilities for the manufacture and sale of the munitions of war.

**Affirmative Rebuttal, Marvin A. Rapp  
Colgate University**

LADIES AND GENTLEMEN: Now that the case has been presented by both sides, it is my duty to analyze it and attempt to answer some of the arguments of the Negative. Apparently, the members of the opposition recognize the need for a change. They feel, however, that the munitions industry should be regulated by the government, not owned and operated by it. In answer

to this the Affirmative has several things to say. The inherent profit motive in the arms industry is the cause of the war-provoking activities of that industry. If the government regulates the industry the profit motive will still remain. Hence, the same evils will be present. Regulation of industry is weak. Nationalization of the arms industry will be effective. The N.R.A. is an example of just how weak regulation can be, just weak enough to be effective. So long as you have the private manufacture you are going to have the subversive influence of that system on the government. How effective is the regulation of public utilities? Not very, the authorities tell us. Regulation of the arms industry means the retention of private manufacture, and that means the keeping of profit in war. If we ever hope to remove the war-provoking influence of the arms industry, we must remove that urge for profits from that industry.

We recognize with the members of the opposition that the initial cost will be great. But we sincerely feel that if this move could save us from one war, the people would be amply repaid not only in money but in the most precious of worldly values, human life. If the government sees fit to spend millions of dollars for the relief of the unemployed, does it not seem logical that they should spend as much money as is required to keep them from the worthless slaughter of life.

The gentlemen from Ohio Wesleyan have brought up the problem of the indirect industries, those industries which supply the raw material. It is their contention that this group of industries would bring the

same pressure on the government that the arms industry does at the present time. We feel that this probably is true. However, we are not expected to remove all the causes of war or all the pressures on the government. By nationalization of the arms industry, we hope to remove the most obvious and most powerful militaristic pressure, the direct arms industry. It is only a step, but it is a step in the direction of peace. The question if adopted does not retard the government from making reforms in the indirect industries if it is found that they too are instrumental in creating war.

Our opponents have attempted to emotionalize the audience by insisting that our proposal is socialistic. One can not say a plan will not work because it is socialistic in nature; nor can they say it is bad because it is socialistic. At the same time that they warn you about the bugaboo of socialism, they advocate the complete regulation of all industries which is a more socialistic proposal than ours. In other words, we feel that this is specious reasoning.

Our opponents have asked us whether the other nations of the world will adopt nationalization. We feel that they will eventually. However, it is necessary to approach such a complex problem gradually. Let America set herself right first, then worry about the other nations of the world. England has already expressed a favorable opinion toward this proposal. When the people of the world realize the danger of the private manufacture of arms, they will advocate the proposal for nationalization.

Our plan for the nationalization of the arms industry

is neither radical nor fantastic. For years the government arsenals have made most, if not all, of our artillery, many of our warships and much of our ammunition. This has not only been true of the United States Government but also true of the British Government. Therefore, our proposal is merely the extension of government ownership. We firmly believe that this drastic measure is necessary to remove the war-provoking influence of the private manufacturers. With governments thus in control of international traffic, the evils of international intrigue will be removed. The plan which Mr. Nord has suggested is not perhaps a panacea but we feel that it will rectify most of the evils of the present system of supply. The plan, we admit, is not perfect in detail, however, in principle, we feel that it will be a step toward peace.

Ladies and Gentlemen, it is our generation that will be called upon to make the supreme sacrifice in the next war, hence this problem is one of vital importance to all of us. We have clearly shown you that wars today are fomented by a few individuals interested in making profit by slaughtering the youth of the nations of the world. Nationalization of the arms industry will remove that motive and will diminish the possibilities of future wars. Our course is clear, let our action be swift and clear and may the Federal Government own and operate all of the facilities for the manufacture and sale of the munitions of war. Here is our opportunity to assure peace to the youth of America—let us not falter.



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LIMITING JUDICIAL REVIEW OF  
LEGISLATION

*Annual Forensic Day Debate*



# LIMITING JUDICIAL REVIEW OF LEGISLATION

## UNIVERSITY OF NORTH DAKOTA AFFIRMA- TIVE VS. COLLEGE OF ST. THOMAS NEGATIVE

This debate was held at the University of North Dakota, Grand Forks, North Dakota, April 15, 1936, on the occasion of the annual Forensic Day for the University.

An exact statement of the question at issue was: *Resolved: That Congress should be empowered by a two-thirds majority vote of each house to override the Supreme Court decisions declaring Acts of Congress unconstitutional.*

At the end of each debating season one day is set aside at the University of North Dakota as Forensic Day. At that time an outstanding debating team of the country is invited to the campus to compete with the debaters of the University. In 1933 the team from Creighton University debated against North Dakota on Forensic Day; in 1934 Gustavus Adolphus was the guest team; and in 1935 the University of Southern California participated in the leading event of the day against the University. On this Forensic Day, particularly, it is the plan of the University to focus the attention of the student body, faculty and townspeople upon forensic events.

On Forensic Day, held April 15, 1936, the University team competed against the debaters from the College of Saint Thomas. This team was the winner of the Northwest Tournament at St. Paul, Minnesota, and the National Pi Kappa Delta Tournament at Houston, Texas. The University had competed in the Delta Sigma Rho Tournament at Madison, Wisconsin, and won four of its six debates.

By a two-to-one vote, the judges awarded the decision to the College of St. Thomas.

The speeches and bibliography were collected and submitted by Professor Owen P. McElmeel of the College of St. Thomas and Professor Wm. Schrier of the University of North Dakota in collaboration with the debaters of the two teams.

**First Affirmative, Melvin P. Johnson**  
**University of North Dakota**

LADIES AND GENTLEMEN: It becomes the duty of the first Affirmative speaker to offer a word in explanation of the question. A simple illustration will show clearly how our plan will work. Twenty years ago Congress passed a law prohibiting child labor. This law was signed by the President, and ultimately brought before the Supreme Court for adjudication. By a five-to-four vote the Supreme Court held that law unconstitutional. Under our plan, this law could have been brought back to Congress and if two-thirds of that body and the President then joined with the four members of the Supreme Court, the view of this group would have prevailed rather than that of the five members of the Supreme Court.

In proposing this change let it be understood clearly that we do not criticize the Constitution itself. Any instrument which can serve as the basic law of a nation through one hundred fifty years of growth deserves nothing but praise. For the founding fathers who wrote that instrument we hold nothing but reverence. Indeed, they were far-seeing men who realized that problems today would arise which they could not at that time see. Thus they provided two means from which power to meet these new problems might spring. First, they provided a process of amendment by which the basic law itself might be changed. This was made extremely difficult in contemplation of its rare use. In the second place, in addition to giving Congress

some sixty fixed powers, they provided Congress with a number of flexible powers such as the general welfare clause, and the commerce clause by which the power in Congress might be found to solve new problems as they arose. But these two avenues no longer adequately serve the purpose for which they were intended. Thus arises our first contention: There is a need for a change in our governmental set-up because the facts of history show that both the elastic clauses and the amendment process have been inadequate in securing social and economic progress.

Allow us to cite a few examples from Supreme Court decisions illustrating this frustrating of social and economic progress, every one involving a split decision. The Dred Scott decision helped send us into civil war; the Income Tax decision of 1895 placed for twenty years a tax burden upon the shoulders of the poor instead of upon those who had large incomes; the Adair case of 1908 gave employers the right to break unions; the Minimum Wage and Maximum Hours cases doomed women to go on working in sweat shops; the Child Labor decisions kept children at work in our factories and made them old before their time; the recent Railroad Pension case deprived worn-out railroad laborers of a pension after giving their lives to the service; the A.A.A. decision ignored the national nature of the agricultural problem.

It is not alone the fact that these particular measures were voided that we deplore. But these decisions of the Supreme Court have closed the door to legislation along similar lines, at least until the retirement or death



of a conservative enables a replacement by a liberal upon the Supreme Bench.

These flexible clauses of which we speak are still in the Constitution, it is true. But bounds have been arbitrarily set by the Supreme Court in the past. As powers springing from these clauses were exercised by Congress and its acts were brought before the Court for adjudication, the Court twenty-five, fifty and seventy-five years ago wrote limitations of the power available through these clauses, in the light of our needs of two, three and four generations ago before the days of corporations, huge financial operations, credit structures and all the ramifications of our social and industrial revolution. Today, when new acts come before the Supreme Court, the judges look back to the limitations upon Congress written by the Court in the light of past needs and render decisions accordingly. The adoption of our plan will afford an avenue by which we can return to the Constitution this flexible quality which it was originally intended it should possess.

Let us turn for a moment to the amending process, the other avenue by which it is asserted social and economic problems can be met. Now most Affirmative teams that we've heard contend that the amending process is inadequate to meet social and economic change. We go further. We contend that the use of the amending process to gain specific legislation is actually unwise.

In the first place, statutory law to meet social and economic questions should not be in the basic law of our land. We do not want the Constitution of the

United States to become like that of California which provides even the minimum thickness of mattresses in the hotels of that state. In short, social and economic legislation should be possible of enactment without requiring it to be specifically in the Constitution—an instrument which should be a body of principles rather than one of specific legislation. Let it remain the brief, simple instrument that led Gladstone to exclaim that here was “the greatest instrument ever struck off by the hand of man at one time.”

In the second place, the amending process is undesirable and even dangerous because it affords no trial before changes are enacted. There is no method by which we can experiment. Congress must submit proposed changes in the Constitution to the states without being able to anticipate the actual effect of such changes, should they be adopted. The Constitution should not be a laboratory for experimentation. We submit that this is the real reason for the delay of Congress in submitting an Income Tax Amendment to the people after the Income Tax Law was voided by the Court. We contend that this is evidence of the undesirability of the amendment process as a way of coping with our problems rather than evidence of the sloth of Congress, as, many times, negative teams contend.

In the third place the amending process is unsatisfactory because it is too difficult to frame amendments in such a way that they will gain the support of thirty-six states of the Union. For what incentive is there for the industrial State of Rhode Island to interest itself in an amendment dealing with agriculture? Is it not

ridiculous to suppose that an over-burdened legislature in North Dakota will take action on an amendment dealing with a strictly industrial problem? Thus we see that the amendment process is unsatisfactory because of the little likelihood of states, jealous of their own powers, unable or unwilling to recognize the national nature of a problem, ratifying amendments.

But our friends may presently tell you that if the matters are serious enough, the people will rise up and through their State Legislatures ratify a proposed amendment, and we may be told that the last five amendments have all been ratified within a period of one year. But we point out that in only two amendments to the Constitution, the Prohibition and Income Tax Amendments, were increased powers given to Congress, and this is the only kind contemplated by the wording of our proposition. Of these two, the Eighteenth is no longer in effect, and as to the other, there is grave question as to whether an amendment was necessary. For in the Income Tax case, the Supreme Court shortly after the Civil War upheld an income tax. But in 1895 it voided an income tax of Congress by a 5-to-4 decision in what to all practical purposes is referred to by historians as a reversal, although legal hairs were split by the majority to show that it was not that. In any event, it was the kind of Congressional legislation which four judges said was constitutional. The result of that decision, which could have been either way, delayed the ultimate adoption of an income tax for twenty years! Under our plan if Congress re-passed the act by a two-thirds vote, after the 5-to-4

decision, the view of the Congress would prevail and not only would the Constitution remain the more simple, brief statement of principles it should be but the act would have been in effect twenty years before another ultimately became constitutional through amendment. All other amendments to the Constitution which the Affirmative may say were specifically obtained had not a thing to do with increased powers of Congress and it is only this kind of amendment which is contemplated by our proposition when Negative friends tell us that the amending process is adequate.

But suppose we do get an amendment in spite of the fact that we should not have statutory law in the Constitution, in spite of undesirability of experimenting within the Constitution, in spite of the difficulty of writing one likely to gain the support of thirty-six states, we are then confronted with a fourth difficulty which goes to the very heart of this question. The amendment itself is still subject to the interpretation of the Supreme Court. For example, the Fourteenth Amendment was passed with a view to give protection to Negroes, and yet the due process of law clause found therein has been resorted to time and again to protect corporate interests. In 1916 an amendment to the Constitution was adopted which gave Congress power to tax income, yet five years later the Supreme Court of the United States decided in the case of *Eisner v. McCumber* that stock dividends were not income. In other words, by the mere issuance of stock dividends instead of cash dividends, corporations could evade their just share of the income tax. It can only be a matter

of conjecture when we frame an amendment what the view of the Court will be.

I said a moment ago that this fourth objection to the amending process, the fact that amendments themselves are subject to reinterpretation, went to the heart of the question. Let me explain that. There is a current feeling that the Constitution is sacred, and we agree. But we do not agree with its corollary, that the Supreme Court members who interpret that document necessarily are divinely inspired. As a matter of fact the present Chief Justice once said, “. . . the Constitution is what the judges say it is.” In other words, this judicial function is not as simple as we are naïvely told. The judges cannot merely lay legislation along side of the Constitution and see if it fits. We contend not that one view is as good as another but that when the Supreme Court judges themselves disagree, indeed at times reverse themselves, and, furthermore, when the mere incidence of death or retirement and replacement of a conservative by a liberal may make constitutional six months hence that which is invalid today, then we say that when there are two views, let the one prevail that has the support of a minority upon the Bench, the President of the United States, and two-thirds of Congress.

Let us cite a specific example of what may happen upon that Court. In 1908 President Taft vetoed the Webb-Kenyon Act on the ground that it was unconstitutional. That act was passed over his veto by a two-thirds vote and was upheld as constitutional. President Taft later became Chief Justice of the Su-

preme Court. Had his appointment come at an earlier date and had his view as to the validity of that act prevailed, not only would we not have had the Webb-Kenyon Act but a precedent would have been set for future decisions, and a bar to future legislation. We maintain that when constitutionality is as flimsy as that, then the absolute final decision should not rest in an uncontrolled court, but rather in a body over which we have a direct control.

Thus we have shown you that there exists a need for a change in our governmental set-up, because under our present plan we cannot get desired social and economic legislation due to the growing stableness of the flexible clauses and the undesirability of the amending process as a means of gaining specific social and economic legislation.

But our friends may tell us that though we have shown a need our plan may not meet that need. We maintain that it will. Under our plan we concentrate responsibility in an elective body over which we, the people, exercise a direct control. If that body does not give us the desired legislation, we can change its membership to one that will.

We come now to the second of our major contentions, namely, that the present system denies and our plan promotes true representative government. The present system is undesirable in theory so far as promoting representative government is concerned. We submit to you that if members of the Supreme Court decide social and economic questions on a strictly legal basis, that is the wrong basis upon which to decide such questions.

On the other hand, if members of the Supreme Court decide such questions on a social, political and economic basis, they are legislating and they are then the wrong body to exercise such final power. No doubt our friends from St. Thomas will concede that human nature is such that members of the Court do inevitably allow their social and economic views to dictate their decisions. But they will say that they are more aloof from the whims and caprices of the populace than are Members of Congress. That is exactly why we want to retain the Court's function of making its original rulings on constitutionality and make them difficult to overrule. Under our proposal an adverse decision must be overruled a second time by two-thirds of the members of Congress, who have taken the same oath as Supreme Court members to uphold the Constitution. Thus the likelihood of our plan being abused is mere bugaboo. It has its safeguards, and we contend that the safeguard is sufficient. After all, who wrote the Constitution, anyway? It was representatives of the common people in a constitutional convention. If common people could write this wonder document, cannot the representatives of these same common people today be entrusted to interpret it in the final analysis when a failure to allow such procedure stands in the way of our progress? Indeed, let those who oppose such procedure explain and justify this unrepresentative system whereby admittedly beneficial legislation is frustrated by nine or sometimes even five unchecked, uncontrolled men.

Furthermore, the present system is undesirable in

practice. Allow us to cite but one example. The Congress of the United States passed the A.A.A. The Court said Ah! Ah! Ah! This did not solve the agricultural problem. Therefore, Congress set about writing another farm act. Did they discuss the new bill in the light of our agricultural needs? Were their votes cast for a bill which they thought would solve the problem better than any other? No. That bill was written with one thing in mind—the social and economic views of five members of the Supreme Bench. Our plan will bring about that more desirable condition where we consider and pass laws upon their merit rather than catering to the whims of five members upon a court.

In summary, then, we have submitted a need for a change in our governmental set-up, and shown how our plan meets that need. Secondly, we have shown that both in theory and practice the present system denies, and the proposed system promotes, true representative government. My colleague will continue this latter argument, and on these grounds we ask the adoption of this proposition.

First Negative, Abe Kaplan  
College of St. Thomas

LADIES AND GENTLEMEN: Before opening the case for the Negative, we should like to ask the gentlemen of the opposition a question regarding their interpretation of the proposition. It is this: Gentlemen, do you mean by your proposition that Congress is to be the final interpreter of the Constitution? Their answer to



this question will have an important bearing on our further discussion of the Affirmative proposal.

It is the first contention of the Negative that the opposition has not established the need for a change. Now we of the Negative sympathize most heartily with the Affirmative's desire to bring about social and economic reform. With any movement that is intended to alleviate certain obvious evils in the existing state of affairs, we of the Negative most heartily sympathize. But we ask, are these conditions due to any action of the Supreme Court, and is it reasonable to suppose that restricting the power of the Supreme Court will remove the conditions which cause these evils? The answer to this question is obvious.

The Affirmative contends that the Supreme Court has persistently frustrated Congressional attempts to improve our social and economic status, but it is not sufficient merely to cite cases. The opposition must first show either that the law should not have been declared unconstitutional, or that, if it should have, our Constitution has thus outlived its usefulness. Of the seventy cases in which the Supreme Court nullified Congressional laws, thirty were decided by a unanimous vote, including four of the New Deal measures. Now if such liberals as Brandeis, Holmes and Cardozo agree that the law is unconstitutional, then I think we must admit that such is indeed the case. Our friends of the Affirmative must uphold the right of Congress to set aside not only decisions of doubtful validity but even those in which a unanimous Court agrees that the law should not have been passed.

Secondly, only ten or twelve of the cases decided by a split Court have a social or economic significance—the rest are purely political and do not concern us here. Of these ten or twelve cases, the opposition must show which were nullifications of laws passed by at least a two-thirds vote of Congress. Because, obviously, if the law did not get a two-thirds vote of Congress in the first place it is hardly reasonable or logical to suppose that it will be possible to marshal a two-thirds vote in support of that law after the Supreme Court has declared it unconstitutional.

Then, the opposition must further show that these laws are still wanted by Congress even after the Supreme Court points out their unconstitutional implications. For instance, though the Child Labor Law was passed by Congress, when it was submitted to the people as a whole in the form of an amendment after the Supreme Court had nullified the law, the people rejected it.

Finally, if the opposition shows that the law was still wanted, they must prove that it could not be obtained under existing mechanisms. Many laws are simply loosely written, and after the Supreme Court points out the errors due to hasty or careless legislation, the law is repassed and upheld: For instance, the Soil Conservation Act in place of the A.A.A., the Wagner Bill in place of the Adair decision, and so on. Furthermore, although the Supreme Court might deny legislation to the Federal Congress, in many cases it has repeatedly upheld the rights of the states to pass the same laws. Sixteen of our industrial states (prac-

tically all of them), have a minimum wage and maximum hour regulations, and lest it be contended that state laws cannot cope with an interstate problem we can point out that several states in New England have recently come to an agreement to make more effective a co-operative control of wages and hours in that region.

In short, we of the Negative contend that the actual decisions of the Supreme Court do not justify any such proposal as we are now considering. We would directly demand of the opposition that they cite five cases—and surely five in one hundred fifty years is hardly too many to expect—five cases of laws, of a social or economic implication, declared unconstitutional by a divided Court, passed by Congress by at least a two-thirds vote, still wanted by the people of the United States after the Court had declared them unconstitutional, and which could not be obtained by existing mechanisms. Obviously unless the opposition can cite specific instances they have not begun to establish their very first burden of proof, namely: the need for the change.

But let us go on with this argument. The gentlemen from North Dakota maintain that, although Congress has many flexible powers, by the interpretation of the Supreme Court these powers are continually limited so that Congress is restricted more and more in its choice of legislation. Strange to say, the Negative finds that most political scientists hold a view that is diametrically opposed to that held by the Affirmative. For instance, Wm. B. Monroe declares that a greater

development of the Constitution has taken place through the channel of judicial interpretation than through any other. In fact, he says, "On the whole this interpretation has greatly widened the power of the national government." Surely if the Supreme Court has widened the power of Congress, that is scarcely a ground for giving Congress the right to control the decisions of that Court.

Thus we have seen that the opposition has given us no reason for supposing that Congress should override decisions of the Court. But even if we were to admit for the sake of argument that such a need does exist, we contend that there are existing mechanisms that can adequately cope with the situation. Let us consider the amendment process, which the opposition has indicted on four grounds. First, the Affirmative has contended that our Constitution should be a body of principles rather than of statutory laws, implying that if we were to pass amendments to set aside the effect of Supreme Court decisions we would be making our Constitution a maze of legal complexity. But is not this precisely what the Affirmative proposal would do? For it is obvious that in overriding the decision of the Court Congress would be changing the fundamental laws of the land. As Marshall stated in his celebrated decision in *Marbury v. Madison*, "There is no middle ground. The Constitution is either a superior, paramount law, unchangeable by statute, or it is alterable when the legislature shall please to alter it." It would seem that the first charge against the amendment process applies

with even greater force to the proposition which we are considering.

Secondly, our friends of the opposition maintain that amendments are inadequate because Congress is thereby deprived of an opportunity to experiment. But does an amendment deprive them of this opportunity? It does not. A positive increase of power need not be exercised by Congress if a few years experimentation with the exercise of that power proves that it is undesirable. For instance, simply the fact that Congress has the power to fix hours and wages does not mean that it need actually exercise that power if circumstances indicate that it would be unwise for Congress to do so. Not only that, but the time-lag between the passage of a law and its consideration before the Supreme Court gives our legislature ample opportunity to consider the desirability of the law. The average time between the passage of a law and its consideration by the Supreme Court is over eight years. Surely eight years is long enough for Congress to decide whether or not that law has been successful enough to attempt to make it a part of the fundamental law of the land.

Thirdly, the Affirmative has objected to the amendment process because of the difficulty of obtaining the support of three-fourths of the states for the amendment. But is not this rather an argument against the Affirmative's proposal, because if this is true, then the Affirmative upholds the right of Congress to pass laws in defiance of the wishes of the states of the Union, which is manifestly undesirable. Besides that, it is not

at all admitted that it is so difficult to get the support of the states for a desirable amendment. The opposition has cited the Income Tax Amendment, which they say took eighteen years for its passage. But fifteen of these eighteen years were consumed in marshaling the necessary two-thirds vote of Congress. When the two-thirds vote of Congress was obtained the process of ratification by the states was fairly simple, and in fact the average time of ratification is scarcely more than a year.

The last charge which the opposition has made against the amendment process is that amendments are still subject to interpretation by the Supreme Court. Of course, but does the Affirmative's proposal remedy this alleged evil? It does not, because the Supreme Court interprets not only amendments but also laws as well, and after Congress has passed a law over the Supreme Court's veto it is still subject to that body's interpretation. For instance, the Anti-Trust Law was passed by Congress to restrict the growth of corporations—"illegal combinations in restraint of trade." Yet the courts rightly or wrongly interpreted this phrase as giving them the power to issue injunctions against trade unions. Thus the evil, if it does exist, is not solved by the Affirmative's proposal, for it is always the province of the courts to interpret laws.

Apparently, then, the Affirmative's objections to the amendment process do not give us a valid reason for adopting their proposal. But there is at the present time another mechanism besides that of the amendment process whereby Congress could, if it wished, forestall

the effect of Supreme Court decisions. Now we do not say that this power should be used, we merely wish to point out that Congress has the power, and, unless the opposition can explain why this power has not been used till now, surely it cannot substantiate the case for giving Congress an additional check. In Article III, Section 2, of the Constitution we find that "the Supreme Court shall have original jurisdiction in all cases involving ambassadors, consuls, other public ministers, and those in which a state shall be a party; but in all other cases (and it is these in which we are interested) it shall have appellate jurisdiction, under such restrictions and with such exceptions as Congress shall make." What does this mean? It means that the Constitution at the present time gives Congress the right to deny to the Supreme Court the power of passing on the validity of any specific piece of Congressional legislation. This power has already been exercised in the *McCardle* case, when Congress feared that the Supreme Court might nullify a statute. It, therefore, denied the Court the right of hearing an appeal on that case and the denial was sustained by the Supreme Court itself. In fact, Justice Chase of the Supreme Court went so far as to declare, "The truth is that the disposition of the judicial power belongs to Congress. If Congress gives us this power we possess it, not otherwise. The power remains at the legislative disposal." And lest it be supposed that this doctrine was used in only one case, let it be noted that it was also asserted in *Sheldon v. Sill*, *McIntyre v. Wood*, *Kendall v. United States*, *Cary v. Curtis* and *Durousseau v. United States*. Ap-

parently, then, if the need is as pressing as our friends of the opposition would have you believe, Congress has such a power. Yet it has not been used.

Our first contention, then, has been that there is no need for the change. Neither the actual decisions nor the interpretations by the Court offer any grounds for the proposal, nor has it been shown that existing mechanisms are inadequate even if a need does exist.

Our second objection to the Affirmative proposal is that it is impractical. We have already pointed out that the difficulty in the passage of the Income Tax Amendment law has not been in the ratification of the amendment by the states but rather in the two-thirds vote by Congress. In fact, it is this two-thirds vote which is the *crux* of the rigidity of the amendment process. Thus the opposition proposes to solve the problem by embodying in their proposal the very essence of the rigidity of the existing mechanisms. Two thousand six hundred amendments have been proposed in Congress, many of them intended to alleviate precisely those conditions which the opposition has pointed out, but of these 2,600 only 26, or a bare one per cent, ever got the two-thirds vote of Congress necessary to submit them to the states. Now, if in 99 out of 100 attempts to solve these problems Congress has refused to support the legislation by a two-thirds vote, we could hardly suppose the Affirmative proposal is a practical solution to our difficulties. As we see it, this question of bringing about social and economic reform is to be solved, not by changing the mechanism of our government, but rather by making it obvious to our



Representatives in Congress that the American people really desire such changes. When this is done it will be seen that existing mechanisms are altogether adequate.

But there is another reason why the Affirmative proposal is impractical. It is this, that by allowing Congress to pass laws changing the fundamental law of the land without the ratification of the states, we are insisting that Congress should have the right thereby to force its will on the states. Surely it is obvious to you, Ladies and Gentlemen, that this is altogether impractical because laws cannot be enforced without the co-operation of the states, and the Affirmative makes no guarantee whatsoever that the states will be willing to enforce a law of Congress when they are not willing to ratify an amendment to the Constitution embodying the purpose of the law.

In the opening attack of the Negative, I believe, then, that I have shown that, first, there is no cause of action—the proposal is unnecessary. Second, if there is a cause of action the proposal takes no action; it is impractical. Third, we propose to show that even if it does take action, and we do not admit this for one minute, such action will be highly undesirable.

**Second Affirmative, Adrian McLellan**  
**University of North Dakota**

LADIES AND GENTLEMEN: The first Negative speaker has told us that Congress could restrict the appellate jurisdiction of the Court and thus obtain the same results that could be obtained under the plan of

the Affirmative. Now if the gentlemen of the opposition wish to take the stand that Congress should take away the appellate jurisdiction of the Court rather than to act as a check upon the interpretation laid down by that Court, we will be perfectly willing to meet them on that issue. However, we must ask the opposition to take a stand on this. Do you want Congress to destroy the appellate jurisdiction of the Court rather than to adopt the plan of the Affirmative? If the next speaker will tell us how they stand on this we will meet them on their own grounds. This idea advanced by the members of the Negative is not analogous with the plan of the Affirmative. Under our plan the Court continues to give its opinion upon the constitutionality of the laws of Congress. Under the idea suggested by the Negative the Court would never pass upon the law.

We have been asked: "Is Congress to be the final interpreter of the Constitution?" In answer to that we are maintaining that we think Congress should have the final check upon the interpretation of this document.

The members of the opposition have pointed out that 30 of the 70 laws declared unconstitutional by the Supreme Court have been by split decisions. Our figures may differ, but we have that the Supreme Court has handed down 46 decisions in which they called laws unconstitutional by split decisions. The members of the opposition point out that only 10 or 12 of these laws have had any great social or economic potential benefits. We say that that is enough in itself to justify the adoption of our plan. When we look at these laws

and see the benefits that they promise we must realize that it is not the number of laws that were declared unconstitutional by split decisions that we should evaluate but rather the value of those laws to the country if they had been upheld.

The Negative have attempted to lay down a tremendous burden of proof for the Affirmative. We gladly accept this burden, because we believe that there is a good logical answer to every objection that has been raised by the Negative so far in this debate. They say that we must show that Congress passed the laws that were declared unconstitutional by a two-thirds vote in the first place. We will be glad to do this for them. We need only to point to the A.A.A., the Child Labor, the Railroad Pension laws, and a few of these and they will quickly realize that this is no burden on the Affirmative. Congress has passed a great number of these laws by a two-thirds vote in the first instance. As a matter of fact the Child Labor laws and the A.A.A. have received a two-thirds vote of both houses a second time. They point to the Child Labor law and say that the people of this country do not want it. We might point out to them that two-thirds of Congress wanted it, the President of the United States wanted it, twenty-four states have ratified an amendment, and four judges in the Supreme Court thought that the law was constitutional in the first place. In the face of these facts we believe that it is evident that the people of the United States do want Federal child labor legislation.

The Negative have said that we can have minimum

wage and maximum hours laws by state action. In reply to that we need only to remind you that we are not getting these laws by state action today. Many of these are not state problems. The Railroad Pension law is a case in point. Here is a law that we can easily say is a Federal problem. It would be folly for one state to try to set up a standard for railroad pensions because the railroads of this country are dealing in interstate commerce and are not subject to the laws of the State Legislature. The members of the opposition point out that the Railroad Pension law was clearly an unconstitutional law, yet they must have failed to take into cognizance the fact that four out of nine judges in the Supreme Court thought the law was constitutional.

In answer to our objection to the amendment process the members of the Negative tell us that our plan puts statute law of Congress on the same level with the Constitution. We wish to remind them that this is not so. A twice-passed law can be erased by a simple majority vote of Congress and thus we see that such a law is not on the same level as a constitutional amendment.

In regard to experimenting with the Constitution my opponent says that we are experimenting with laws today without writing them into the Constitution. Again we wish to remind the opposition that whatever experimenting we are doing before the Supreme Court declares a law unconstitutional is allowed only because of the sluggishness of the Supreme Court in not passing on these cases when they first arise. I doubt if the members of the opposition wish to justify this sluggish-

ness as a sound basis of experimentation. We told them that any amendment added to the Constitution is again subject to the interpretation or misinterpretation of the Supreme Court. They said that the same would be true under the Affirmative system but we wish to remind them that Congress would have a check upon the interpretation that the Court then gives to these amendments.

You will recall that my colleague told you that the present system denies and our plan fosters true representative democracy. I would like to enlarge further upon this point. In this connection it is our belief that the members of the Negative are laboring under two delusions this evening. In the first place they seem to think that the Constitution and its amendments are drawn up and ratified by the people themselves. Only a moment's reflection is necessary to see the fallacy here. You will recall that the Constitution was drawn up in a constitutional convention made up of representatives of the people. This same Constitution was ratified by State Legislatures composed of the representatives of the people. Our amendments have been proposed by two-thirds of Congress, the representatives of the people. These amendments, too, are ratified by the State Legislatures which are made up of the representatives of the people. Thus we see that we trusted our representatives to write and to change our Constitution. Why can't we trust them to have the final check upon the interpretation over it?

The second delusion under which our opponents are struggling this evening is that the Constitution is hard,

set and rigid. They seem to think that there is a set formula by which the Constitution can be interpreted. They also seem to think that the Supreme Court holds the secret to this formula. This is also untrue. History itself proves that. Out of the sixty-two laws declared unconstitutional by that Court, forty-six have been by split decisions. Thus we see that the Court itself could not agree as to what constituted constitutionality. Now is it not just as possible that those one, two or three judges who swung that decision to unconstitutionality may have been wrong just as it is possible that they may have been right? In this connection I wish to ask the members of the opposition: "Is it not just as easy for the Supreme Court to hand down an unconstitutional decision as it is for Congress to pass an unconstitutional law?"

Now we see that constitutionality is not something that is hard and set, but something that is often hard to determine, something in which men may make a mistake in the determining of it. Yet at the present time the final say upon constitutionality rests in an unrepresentative, uncontrolled Supreme Court of nine judges who cannot agree among themselves in 70 per cent of the adverse decisions that they have handed down. We say that this is undemocratic. Let the final check upon interpretation rest with the representatives of the people who have proved their worth by being able to write such a great document as the Constitution.

The last Negative speaker told you that one of the big tasks of the Affirmative would be to justify the need

for the proposal which we are advancing. My friends, when we find that ten per cent of the people in this country today control ninety per cent of the wealth, when we find fifty per cent of our people living on or below the poverty level, we think that something should be done about it. We find that Congress has tried to remedy this situation only to be frustrated by uncontrolled split decisions of the Supreme Court. Congress has passed minimum wage laws, maximum hours laws, child labor laws, collective bargaining laws, welfare laws, arbitration laws, pension laws, agricultural laws, in an attempt to remedy this situation. Every one of them was declared unconstitutional by a split decision of the Supreme Court. In every instance there were some members of that Supreme Court who thought that the Constitution provided for the enactment of these laws and that an amendment dealing with them was absolutely unnecessary. Under our present system the people could do nothing about these uncontrolled split decisions of this Court which denied to the people and their representatives the right to remedy this situation which they faced. We thus see that such a system as it now operates is un-American. We see that there is a dire need for the plan of the Affirmative so that we may check this uncontrolled Court.

The opposition tell us that whatever we need today can be obtained by the present amending process. But, my friends, we have the amending process in operation today and we are not meeting these problems. We need only look at the amendments that have been

adopted to realize this. Out of the sixteen amendments submitted to the people since the adoption of the Bill of Rights almost one-third have failed to be ratified. Of those that were ratified there is only one in operation today which gives to the Congress of the United States any increase in power to meet its increased responsibility. That was the Income Tax Amendment. The other amendments have dealt with woman suffrage, methods of electing the President, Lame Duck Sessions of Congress, and other political measures which have little or no effect upon our economic well-being. Thus we see that the amendment process is not giving us the legislation which we need and which has been frustrated by the Supreme Court.

The Negative tell us that not only does our plan permit laws to be re-passed after a 5-to-4 decision but also that there is a danger that they may be passed after a 9-to-0 decision. We agree with them on this and we might add that if the representatives of the people thought that all nine members of the Supreme Court may have been wrong in some instances, such as stopping the law on a technicality, perhaps the Court should be overridden in such an instance. But the thing that we would like to point out is that 9-to-0 decisions of the Supreme Court in which it declares a law unconstitutional are a very rare thing. Out of the sixty-two laws declared unconstitutional by the Court, forty-six or over two-thirds have been by split decisions. Thus we see that the possibility of having a 9-to-0 decision in the first place is very remote and the possibility of having it overridden by a two-thirds vote of Congress is



even more remote providing that the nine members of the Supreme Court give logical reasons for the decision.

Briefly summarizing the constructive case for the Affirmative we see that we have presented facts to show that there is a need for our proposal, that our plan meets this need, and further that the present system denies and our plan fosters thorough representative democracy.

Under our point on the need for the proposal we pointed out several weaknesses of the amendment process and showed to you that we are not getting the legislation we need by this process today and we of the Affirmative contend that we cannot get it by this process. We have pointed out that our plan would give us the legislation that is desired today.

The plan we propose places the final check on the constitutionality of laws in the hands of a body that is directly responsible to the people of this nation. This would be more democratic than the present system of having an uncontrolled Supreme Court have the final say over our laws.

In the face of these facts we of the Affirmative maintain that Congress should have the power by a two-thirds majority vote to overrule the Supreme Court when it declares laws passed by Congress unconstitutional.

Second Negative, Robert Sheran  
College of St. Thomas

LADIES AND GENTLEMEN: Before proceeding further with this debate let us examine the arguments that

have been presented by the Affirmative in support of the proposition. It is of course necessary for the Affirmative to give us sufficient reason for believing that the particular change from the *status quo* which they recommend is necessary. That is, they must give us a cause of action. Now their cause of action centers about the ten or twelve pieces of social legislation, which were invalidated by the Court in split decisions. But merely classifying these laws as social legislation does not mean that they should have the force of law at the present time. For example, the advisability of centralizing the control of wages, hours and prices in the federal government is open to serious question. Amendments to the Constitution to lodge this power in Washington have never received the two-thirds vote of Congress necessary before they could be proposed to the states. We feel that the Affirmative is confusing what *they* think to be desired legislation with the legislation which the *people* think desirable. For that reason they propose to change our governmental institutions in order to secure the passage of laws which the people themselves do not want.

It is unfortunately true that some sincere advocates of social progress choose to force their theories of social advancement on the public. Thus their own purpose is defeated by their own act. Our nation will not tolerate tyranny. The Affirmative are advocating this very method of law enactment, for they say that the court invalidates laws which they believe desirable. In order to override these court decisions at the present time we must get a two-thirds vote of Congress and

three-fourths of the states to agree to an amendment changing the Constitution in so far as it is in conflict with the proposed law. But the Affirmative insist that this cannot be done because the people do not want to give Congress control of the matters with which the law is involved. Therefore, what they advocate is a means by which Congress can be given control over social and economic changes which it has never been proved that the people want. We of the Negative object to the Affirmative proposition, therefore, because it tends to destroy the very basis of our democracy, that is, the consent of the governed. It sets up as the criterion of social progress the wish of Congress rather than the will of the people.

There has been some effort on the part of the Affirmative to show a casual relationship between these decisions and such problems as maldistribution of wealth and low wages. With equal validity they might have added that the League of Nations failed in its purpose, for there is as much connection with the proposition in both cases. The Supreme Court is not interested in sustaining vice and condemning virtue. Its only function, its only purpose, in so far as reviewing laws of Congress is concerned, is to preserve the Constitution. If the people of the United States believe that the division of governmental powers and other features of our Constitution, which the Court protects in its decisions, block progress, *why not change the Constitution?* And if the people do not change the Constitution whom have they to blame for the decisions but themselves?

The Affirmative tell us that the amendment process is too cumbersome, that the people cannot make the changes they desire because amendments are of necessity too broad and because unless an amendment is passed it cannot be removed except by the same process by which it was incorporated into the Constitution. If by cumbersome the gentlemen of the opposition mean that an amendment is slow, let them consider the fact that the average length of time in which amendments have been ratified is one year and a half. The last amendment was ratified in seven months by state conventions. Further, it has been insisted by competent authorities that amendments may be ratified in three months if the demand for the change is strong. In view of these facts we feel that the statement of H. L. McBain in the *Living Constitution* that "the *crux* of the rigidity of the amendment process lies in the two-thirds vote of Congress" is well founded. The Affirmative proposal does not do away with rigidity because that phase of the amendment process which gives it rigidity, that is the two-thirds vote of Congress, is maintained under the terms of the proposal.

Now we ask, must amendments be of necessity broad? For our answer we look to the Sixteenth Amendment. The Court had held in the Income Tax case of 1894 that income taxes were direct taxes and, therefore, had to be apportioned equally among the states. Now the only way Congress could have overridden this decision would have been to declare by a two-thirds majority vote that the income tax could be levied by the federal government without apportion-

ment. But this very thing was done in the Sixteenth Amendment and in terms no broader than would have been necessary if the decision were overridden. When the Affirmative insisted that the amendment took eighteen years in passage we have referred them to the fact that fifteen of these years were spent in getting the two-thirds vote of Congress, which they advocate as a solution for our difficulty. Now there were only two possible interpretations in this case: either income taxes are direct taxes, as the Court held, or they are not. If they are, then the Affirmative cannot object to the decision. If they are not, then Congress would have to declare that incomes could be taxed without apportionment among the states. Is this declaration more narrow than the Sixteenth Amendment?

Now let us examine the last arguments advanced by the Affirmative against the amendment process, that is, its permanency. An amendment of course has some degree of stability. It cannot be repealed by a majority vote of Congress. But it is also true that any law passed under the amendment can be repealed by a majority vote of Congress. If the test of the success of a power is the ease with which the effects of its use can be nullified, then it would seem that the Affirmative proposal adds nothing to the *status quo*.

Time forbids further refutation of the Affirmative argument. Let us now turn our attention to objections to the Affirmative proposal apart from the unsoundness of their positive contentions. The Affirmative cause of action has been the asserted invalidation of social legislation. They would have Congress override such

decisions. But we ask consideration of the cases in which Congress has passed laws that violated the very fundamentals of our government? What of the *ex post facto* laws, the denial of trial by jury, the encroachment upon State rights, in which the courts checked Congress? We refer you to such cases as *Wong Wing v. United States* in which the Court prevented Congress from providing for conviction of persons of crime without trial by jury; the *Monongahela Navigation* legislation in which the Court prevented Congress from depriving persons of property without due process of law; the case of *Ex parte Garland* in which the Court checked the enforcement of an *ex post facto* law. These laws were passed by a two-thirds majority vote of Congress in spite of the fact that specific provisions of the Constitution forbade such legislation. The only excuse for these violations is ignorance of the terms of the Constitution, hardly a weakness to be condoned in a body which would be vested with the power of final interpretation of the fundamental law of the land. These cases are not rare exceptions. Congress has passed such laws far more often than it has passed laws which our Affirmative friends have thought desirable and which the Court has invalidated. Small wonder it is that the Supreme Court holds its present position of prestige in view of these facts. And do they not justify our insistence that to give Congress the power suggested by the Affirmative would be to introduce the possibility of the destruction of our constitutional government?

Our friends of the opposition insist that Congress

should have the power of final interpretation of the Constitution. Its interpretations can be of only two types. They may be those to which the states will agree and where, therefore, a change in the Constitution can be easily made by an amendment. So in this type of cases the Affirmative proposition would accomplish nothing. The second class of interpretations which Congress might make would be those to which the states would not agree. In such case the amendment process could not effect a change because ratification of three-fourths of the states could not be obtained. But is it advisable to adopt a change in our government the result of which would be to force the states to accept an interpretation of the Constitution to which under the amending process they would not consent?

Let it be remembered as we answer this question that our government is a federation of sovereign states, that the powers of the central government have been obtained by the concessions of these states, that each of these states has its own peculiar problems of government for which it is responsible, that each state levies its own taxes and maintains its own militia. The very existence of the federated government will be endangered if the delicate balance of powers which exist at the present time is disturbed. The Civil War impressed us with this fact. We must realize that the essential feature of such a federation as ours is the co-operation of sovereign states. But co-operation is based upon consent and consent to a change in the

terms of the document under which the states are federated is indicated by ratification under the amendment process. Take away the ratification and you destroy the consent; destroy the consent and you must substitute force; use force and you bring chaos. Does not the appropriation of funds by the Maryland State Legislature for the establishment of a militia to resist enforcement of an undesirable act of Congress, and many events of our early history, indicate what might occur in such a situation? If you think that state sentiment is a thing of the past witness the celebration of the Centennial Exposition in Texas in this year of our Lord, 1936.

Our final objection to the Affirmative proposal is that the laws re-enacted by a two-thirds vote of Congress will not be enforced. At the present time laws may be enforced either through the courts or by the army. Congress could enforce unconstitutional laws by the army today with the agreement of the Executive, so the proposition effects no change in this regard. Therefore, we assume that the laws not enforced by Congress would be useless. But the courts will not enforce unconstitutional laws, and if by a previous decision the courts had declared a law unconstitutional no power of Congress could induce them to enforce it.

Therefore, we insist that the Affirmative proposal be rejected because there is no reason for the change. If there were a reason the proposition would make no change; if it did make a change it would be undesirable, and it would be undesirable because our Constitution



would be undermined, our federation of states endangered, for the sake of laws which would not be enforced.

First Negative Rebuttal, Abe Kaplan  
College of St. Thomas

LADIES AND GENTLEMEN: Now that the Affirmative case has been completed let us consider their proposal in view of the attacks which we have leveled against it throughout our constructive argument. In answer to our question as to whether or not Congress will be the final interpreter of the Constitution the opposition admitted that such indeed is the case. Now, if Congress is the final interpreter of the Constitution, and if, as we have already pointed out, there can be no middle ground, then what the opposition has done is simply to change the amendment process by striking out the ratification of the states. In other words, the opposition have admitted that their proposal gives to Congress the right of changing the fundamental law of the land. Of course, this could not have been denied, for if overriding the decision of the Court is not a change in the fundamental law, the lower courts, which are bound only by the fundamental law, will not sustain Congress but the Supreme Court. Consequently the *crux* of our discussion as to whether or not there is a need for a change lies in a consideration of whether or not it is desirable to change our amendment process by eliminating state ratification.

This could be supported on two possible grounds:

either that the states delay, or that they defeat, proposed changes in the Constitution. As for the delay we have already shown that the process of ratification itself does not take more than a year, that, in fact, in certain cases where the will of the people has strongly asserted itself amendments have been ratified within a period of four or five months, as in the case of the repeal of prohibition or in the Lame Duck Amendment; and surely, my friends, three or four months is scarcely too long a period for constitutional readjustment.

As for state action in defeating amendments, only five amendments that have obtained a two-thirds vote of Congress were rejected by the states in a period of nearly one hundred and fifty years, which means that if the opposition is to establish the necessity for the change, they must defend the desirability of these five amendments. A detailed examination, if we had time, would show immediately that only one of these amendments is worth our consideration, namely the Child Labor Amendment, but when that was submitted to the states twenty-one of them promptly rejected it in both houses of the State Legislatures, and eleven others rejected it in at least one. Surely if the states decline to ratify that amendment, desirable as is its purpose perhaps, it should not be forced down their throats. Surely, if the amendment as such were desirable, by this time the American people would have taken action.

But the opposition say, from a practical point of view, there is a need for a change because we have the

amendment system and these other mechanisms, and yet nothing is being done. If there is a need for a change, is there a need for the change which the opposition propose? True, we must do something about our governmental policies in reference to our social and economic problems, but does this imply that we must change our governmental mechanism to bring about these changes in policies? The fact of the matter is simply that the American people have not desired such changes as the opposition have suggested. Both the *Literary Digest* poll and the survey of the American Institute of Public Opinion indicate that the American voters are opposed to the Affirmative's proposal, and it is this, therefore, not the inadequacy of the mechanisms, that accounts for the fact that nothing is being done.

Besides the opposition has not, we believe, explained away satisfactorily the failure of Congress to make use of its power to restrict the appellate jurisdiction of the Supreme Court. The opposition contends that Congress wishes first to hear the decision of the Court, but restricting the appellate jurisdiction does not mean that the Court will have no opportunity to pass on the case. It simply means that after Congress has heard this decision on one specific case, and after it has decided that the law is still desirable, it can by a simple majority, not by a two-thirds vote, deprive the courts of the power to decide against the law in other cases. For instance, it might hear the decision in the *Schechter Poultry* case, then deny the court the right to base any other decisions on the unconstitution-

ality of the N.R.A. In fact, only last year Congress denied the District Courts the power to nullify the work of the Utilities Commission under the due process clause, which some of the courts had been doing. Thus precisely the things which the Affirmative desire could be and are being obtained by existing mechanisms. Still our position is not that this power should be used, but rather that it could be used, if such exercise of power by Congress were ever necessary or desirable and we don't believe that it is.

Secondly, in considering the impracticability of the Affirmative proposal let us remind you that our friends from North Dakota have not yet submitted even five cases where Congress should have, or would have, or could have made use of such a power as they are offering them, and besides that they have not yet answered our objection that they are taking precisely the most impractical feature of the existing method of overcoming the effect of Supreme Court decisions and embodying it in their proposal, namely, the two-thirds vote of Congress.

Lastly, we have objected that their proposal is undesirable because of the power which it places in the hands of Congress. But the opposition have said, we trusted our representatives to write our Constitution in 1789, why not trust them now to write laws under it? But we have pointed out that ours is a dual form of Government, and that if the Constitution is to be changed it must be not only by our federal legislatures but by the State Legislatures as well, that it is impractical and undesirable to force the law of Congress on

the states. Then too, there is the prospect of Congressional encroachment on our personal liberties, as for example, in such cases as have already been cited by my colleague.

For these reasons then, namely, that there is no need for the change, that the proposal is impractical and that it is undesirable, we of the Negative continue to maintain that Congress should not have the power to override Supreme Court decisions.

First Affirmative Rebuttal, Melvin P. Johnson  
University of North Dakota

LADIES AND GENTLEMEN: In his concluding remarks the last speaker informed us that under our plan the rights and liberties of American citizens would be in danger. In support of this contention he has cited three cases, *Wong Wing v. United States*, *Ex-parte Garland* and *Monongahela Navigation Company*. These are cited as the cases in which the Congress of the United States has threatened American rights and liberties by a two-thirds vote. Let us look at these cases for a moment and see if they were such a flagrant violation of our rights. The case of *Wong Wing v. United States* provided that any Chinese who should illegally enter this country could be returned to his native land without indictment by a grand jury. It could thus never apply to an American citizen. This case is cited to show that the United States Congress has attempted to destroy our right to a grand jury indictment, yet we wish to point out that in North Dakota grand jury indictment is rarely had, and in

the State of Minnesota, the home state of Mr. Sheran and Mr. Kaplan, men can be sent to prison for ten years without such an indictment. In the case of *Monongahela Navigation Company v. United States*, we find that Congress was merely taking from this Navigation Company a franchise which they had been given for nothing in the first instance. The case of *Ex-parte Garland* is likewise cited as a violation of our American liberties and yet when that case was brought before the Supreme Court for adjudication the judges divided 5-to-4 upon the question of its constitutionality. There was reasonable doubt even in the minds of judges as to whether or not any civil right had been threatened. Thus we see that the danger of our civil rights and liberties being taken away is a mere bugaboo.

They have also stated that Congress is at the present time guilty of trampling on our rights in that they are seizing certain private papers and telegrams by virtue of the recent investigations of the Black Lobbying Committee. We wish to point out first that this involves merely a committee of the Senate and, therefore, has nothing to do with two-thirds of Congress; and second, that it is an open question whether or not Congress should have this power; and third, that the highest court of the District of Columbia has upheld the right of the Senate committee to thus seize these papers.

We have been asked how we are going to enforce constitutional law that is re-passed by Congress. They have told us that in order to enforce an act we must have the support of our court system and that under

our plan the courts will adopt one view as to constitutionality while Congress adopts another. We believe that in this instance Mr. Kaplan is laboring under a misconception. Under our plan there will be no controversy between the courts and Congress after an act has been passed a second time. Our plan can be inaugurated only by a constitutional amendment. Such an amendment will make twice passed acts constitutional. Therefore, the courts will be bound to consider that act constitutional. Certainly the courts which they so loudly applaud will not set themselves above the Constitution.

We have also been told that Congress would have had the power to change the Constitution at will. We believe that here our friends are laboring under another delusion. It is not the case of changing the Constitution; it is rather a case of choosing between two possible views of that which constitutes constitutionality. They have also pointed out that our plan could not be affected because states are jealous of their powers. They have pointed to the fact that states such as Texas with its own flag and California with its state pride would not ratify an amendment that would place such powers in the hands of a national Congress. We believe that that statement supports our contention that the amending process has not been adequate. Our contention is that under the present system it is difficult to gain the support of enough states to get the ratification of an amendment.

They stated that Congress was at fault by reason of the fact that fourteen years elapsed between the

time the Income Tax Law was declared unconstitutional and the time such an amendment was submitted to the people. We believe that this fact bespeaks another failure of the amendment system. During that fourteen years Congress tried forty times to write a satisfactory income tax amendment. Finally, it had written one that it felt would meet our needs. It was submitted to the people and adopted after some three and one-half years. Five years after its ratification in the Case of *Eisner v. McComber* the Supreme Court of the United States informed Congress that even after thirteen years of trial their efforts had failed. In that case the Supreme Court supported the contention that stock dividends were not income and thus gave corporations by the mere issuance of stock instead of cash dividends an avenue by which they could escape their just share of the income tax. Thus we see that even after we do write amendments it is only a matter of conjecture what interpretation is going to be placed upon them by the Supreme Court.

But our friends go on to tell us that our plan is absolutely unnecessary; that Congress today has the power to achieve its ends. They tell us that Congress can pack the Court, that they could destroy the appellate jurisdiction of the Court and thus prevent the question of constitutionality from ever reaching the Supreme Court. In other words, as a substitute proposal they say destroy our court system. We do not wish to destroy the system. We see much merit in it. Therefore we wish to retain the present system of the functions of the Supreme Court; we want their views



as to the constitutionality of issues. We suggest merely that after having heard the views that if two-thirds of the Congress, having taken the same oath as the Supreme Court members to uphold the Constitution, feel that a minority view should prevail rather than majority, then the final decision as to what views should prevail should rest in the body closest to the people.

They ask us further to show that under our plan Congress will gain the two-thirds vote and put into effect the measures we desire. Allow us to point specifically to two measures, the A.A.A. and the Child Labor Laws in which Congress would get a two-thirds vote upon second passage. There are, of course, a large number of cases in which Congress obtained a two-thirds vote in the first instance. We believe our plan will give the results we seek. Under our plan responsibility will be concentrated in the hands of a body over which we exercise a direct control. If that body does not give us the legislation we want, it will, under our plan, be within our power to change that membership to one that will.

We have been told that our plan will destroy the federal system and that the people of America are against such a change. We cannot conceive of how the federal system would have been destroyed if the minority view in the Child Labor case, the A.A.A., the Railroad Pension case, the Income Tax case, the Dred Scott case, the Adair case, and a host of others, had prevailed rather than the opinion of the majority. We wonder if the American people really oppose such

a change. We admit that we are unable to feel the public pulse as our friends from St. Thomas apparently are able to do. We believe that when all the facts are known that the American people will not oppose this proposed change. This question is of much greater importance than merely one to be idly discussed by two debate teams. As you go about your duties think of those less fortunate than yourself, those who pay the price of adverse court decisions, of children slaving in factories, of women working in sweat shops, of railroad laborers deprived of a pension system, of farmers never certain whether or not their system of agricultural aid is going to remain upon the statute books. Then ask yourself this question: "Is it true Americanism to insist that these things should go on simply because of the fact that of two constitutional views, both possible, both plausible, both logical, both reasonable, that view which says they must go on holds a slight balance upon a cold, distant, technical Supreme Court?"

**Second Negative Rebuttal, Robert Sheran**  
**College of St. Thomas**

LADIES AND GENTLEMEN: Coming now to the conclusion of the Negative argument let us examine the points of conflict between the two cases presented in this debate. The Affirmative have insisted that as the result of the Court's interpretations socially desirable legislation has been invalidated. To' this we of the Negative reply that the desirability of the legisla-

tion, in so far as this type is concerned, must be assured by public demand for such laws, and that when the public desires the laws the amendment process is satisfactory. The advantages claimed for the Affirmative proposal over the amendment process have all been refuted. The only remaining argument for the Affirmative case seems to be that the amending process is difficult because an amendment must be ratified by three-fourths of the states. Objections to such ratification from a theoretical standpoint are not sound because of the nature of our federated system. Objections from a practical standpoint cannot be sustained either, in view of the time required to ratify, which has averaged one year and a half, or in view of the number of proposed amendments failing ratification, since the states have refused to ratify only five proposed amendments in one hundred and fifty years. There can be no brief presented for the first four of these amendments because it is generally conceded that they would add nothing to the general welfare. As to the fifth, the Child Labor Amendment, let it be remembered that the advisability of giving the government control over child labor is highly debatable. Even if the desirability of the amendment is conceded, we would still have had the choice of accepting it in 1924, when two-thirds of Congress proposed it and only three states ratified it, or of waiting a few years until the public demand for the change could be indicated by the approval of three-fourths of the states. In view of these facts we do not think that the Affirmative have given us sufficient reasons for

such a drastic change in our government as they propose.

Next, we have asked our friends to explain why Congress does not restrict the appellate jurisdiction of the Court, if these decisions are so objectionable? This is no substitute proposal. We do not recommend the general use of this power. We merely ask why it has not been used? The Affirmative have hinted that Congress does not wish to destroy the Court, that it wishes to hear the Court's decisions before taking action. If this is the only objection it can readily be met because in the case of *Ex-parte McCardle* the Court declared, "even after a case involving two specific parties has been adverse to the law, Congress may deprive the Court of its jurisdiction in all future cases arising under the same law." The Affirmative are, therefore, confronted with this dilemma; either their indictment of the Court is not well founded or Congress has been negligent in its duty by failing to restrict the Court under the power it now possesses. But, if there is no basis for the indictment of the Court there is no reason to accept their proposal; on the other hand, if Congress has been negligent in its duties in the past what reason is there for believing that it will check the Court by a two-thirds vote while a similar power exercisable by a majority vote remains unused?

Finally, we come to the possible evils which would arise under the law. In answer to our charge of abuse of authority on the part of Congress the Affirmative have declared that such cases as we have cited do not support our contention. Referring again to *Wong*

*Wing v. United States* we ask the Affirmative to explain how under the provision of the Constitution that no person shall be convicted of crime without a trial by a jury of his peers can be reconciled with the law passed by Congress? Do you contend that a Chinaman is not a person? Or do you contend that an executive mandate sending such a person to a year's hard labor is in accord with the Constitution? Or do you admit that this case indicates that it would be possible for Congress to abuse the power which you would grant it?

In response to our argument that their proposition was subversive of our federated system the Affirmative blithely made the assumption that the states would ratify an amendment embodying their proposal and thus indicate consent to it. We ask them to justify this assumption. As to the fact that the laws upheld by Congress would not be enforced by the courts the Affirmative insist that the courts would accept the authority of Congress in this matter. Did the Wisconsin courts accept the authority of Congress in the *fugitive slave* cases prior to the Civil War?

The issues of this debate seem to center in the question whether or not the amendment process is adequate. There can be no consistent objection to the Court's decisions as such, because the Court will continue to give its decisions even under the Affirmative proposal. What the Affirmative must do, therefor, in their last rebuttal is to show some other distinction between the amendment process and their proposal, besides the ratification features, which obstructs in the former but will not under the latter. Since we believe this

cannot be done, they must then show us either that Congress will not abuse its added powers, or that the states can be forced to accept these abuses. Finally, they must explain why Congress can check the decisions of the Court by a two-thirds vote when it does not do so by a majority vote, as it may do under the terms of the present Constitution. Since we of the Negative feel that the arguments as presented by the Affirmative in this debate do not satisfy these demands, we ask you to conclude with us that Congress should not have the power to override the decisions of the Supreme Court by a two-thirds majority vote.

**Second Affirmative Rebuttal, Adrian McLellan**  
**University of North Dakota**

The members of the opposition have asked us a number of times to cite five laws that were passed by Congress by a two-thirds vote and that were declared unconstitutional by the Supreme Court. I did this in my first constructive speech but, as I was sitting listening to the members of the opposition, it just so happened that I found the votes on a number of these laws. The N.R.A. was approved by eighty-one per cent of the House and seventy-one per cent of the Senate. The A.A.A. was approved by seventy-six per cent of the House and seventy-six per cent of the Senate. Child Labor laws got a two-thirds vote of both houses in order to be submitted as an amendment. The Frazier-Lemke Act passed eighty-eight per cent of the House and seventy-nine per cent of the Senate. In the Railroad Pensions case the House voted by a

two-thirds vote to suspend its rules to pass the bill and the Senate approved it unanimously. All but one of these laws which we have cited as gaining a two-thirds majority of both houses have been declared unconstitutional by split decisions of the Supreme Court. Thus we see we have answered our opponents' request for these laws.

The opposition has told us that we must show the relationship between the conditions we cited that exist in the United States today and the faults of the Supreme Court. We have done this. We have shown you that ten per cent of the people control ninety per cent of the wealth; that fifty per cent of our people live on or below the poverty level; that women continue to work in sweat shops; that children continue to slave in factories, even though Congress has tried to remedy these conditions by passing Child Labor laws, Minimum Wage laws and such laws, only to have them declared unconstitutional by a split decision of the Supreme Court.

Now my opponents say: "What good does it do to twice pass the law if the Supreme Court wouldn't uphold it the second time?" Certainly they wouldn't say that this Court wouldn't uphold this law! They forget that our proposal would go into effect by means of an amendment process and that this amendment would say that a law that was twice passed by Congress, the second time over the Supreme Court by a two-thirds vote, would be constitutional. Now certainly if the Supreme Court interprets that constitutional amendment they can do nothing the second time

except uphold that amendment and declare the law constitutional.

Our opponents point out that it took Congress fourteen years to write the Income Tax Amendment and say that that is a condemnation of Congress. Yes, my friends, it took Congress fourteen years to write this amendment. They wrote the amendment forty times before they submitted it and even after such careful preparation of it we today find that it has been partially nullified in the Stock Dividends case by a 5-to-4 decision of the Supreme Court. Thus we see that Congress may be as careful as it possibly can be and still not get by the whims of five members of that Supreme Court.

Our opponents have told us that we must defend amendments that have failed to be adopted. We have told them throughout this debate that we are perfectly willing to defend and are defending the Child Labor Amendment. In connection with this amendment our opponents have told us that it has been rejected by thirty-four states. We would like to remind them that at the present time this amendment has been ratified by twenty-four states. Also we would like to point out that while this amendment is failing to be adopted, even though such a law has had the approval of over two-thirds of Congress, the President, four members of the Supreme Court, and twenty-four state legislatures, we find that child labor is on the increase today. According to an editorial in the *New York Post* there has been a three hundred per cent increase during the present school year as compared with that of last year



in the number of school children in New York City between the ages of fourteen and sixteen years who have left school to work in industries. Thus we see that there is a dire need of the provisions of an amendment which today we cannot obtain under the present system. But it could be obtained under the Affirmative proposal.

My opponents point to the minimum wage and maximum hours legislation which they say is being made today on state fronts. It is true that sixteen states have some laws dealing with these problems but still we have women working in sweat shops for a pittance of a salary. In connection with this case it is interesting to note that forty-one judges passed upon the minimum wage law in its adjudication. Thirty-two of these judges thought that the law was constitutional; nine thought otherwise, but it just so happened that five of those nine members happened to sit upon the Supreme Court bench and while there was a great preponderance of legal opinion saying that the law was constitutional, we still don't have it today because of the autocratic dictatorship of the Supreme Court.

My opponents point to the Railroad Pension laws and the A.A.A. and say that Congress should have submitted an amendment to these laws. But why submit an amendment to clutter up our Constitution when three judges in one case and four in the other thought that the power for these laws already rested in the Constitution?

The members of the Negative say that Congress could take away the appellate jurisdiction of the Court

now and have the same power which we seek to give it. It is true that Congress can take away appellate jurisdiction but the power is not analogous to that which we of the Affirmative seek to give it. If the appellate jurisdiction of the Court was taken away, the Court would never pass upon these laws. We would never know what the members of that Court thought about this unconstitutionality. Under the Affirmative proposal the Court continues to pass upon these laws and give us its opinions. We simply place a check upon those opinions so that they will not be binding upon the people of the United States should these people through their representatives maintain that the Supreme Court was in error in its majority opinion. Thus we see that the two proposals are not analogous and that Congress has a good reason for never using its present power.

The Affirmative have pointed to a number of cases in which they said that the Constitution was clearly violated by laws passed by Congress. They pointed to the *Ex-parte Garland* case. In this case, my friends, we had a 5-to-4 decision; four members of the Court thought that no Constitutional provision had been violated so we cannot accept the Negatives' assertion that this was a flagrant violation of the Constitution. Then they pointed to the *Wong Wing* case in which they said the right of grand jury was taken away. In the first place you had to be a Chinaman in order to come under the provisions of this law; in the second place, we can sentence a man in North Dakota today without

a grand jury indictment. As a matter of fact in their own state of Minnesota a man may be imprisoned ten years without a grand jury indictment. In the *Monongahela* case they said that no compensation was given for the investment but we would like to remind them that compensation was provided for the investment but it was refused for a franchise for which the company paid nothing in the first place.

Thus, my friends, in this debate this evening the Negative have laid down a number of objections for us to answer. We have answered every one of them. They laid down the burden of proof and we accepted it, and gave you the proof. We have told you that there is a need for our system and they haven't denied that this need exists. We have told you that the present system is undemocratic; they have not been able to prove to you that this is not so. So we maintain that since there is a need for our proposal and since our plan meets this need, that it should be adopted.

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## APPENDICES



## APPENDIX I

### Topic Index of Debate Subjects Appearing in the Various Volumes of "Intercollegiate Debates"

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*Volume numbers are indicated after the subjects*

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